

EXHIBIT 126

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services



U.S. Citizenship
and Immigration
Services


MAY 10 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 El Salvador's Designation for Temporary
Protected Status**

Purpose: El Salvador's existing designation for Temporary Protected Status (TPS) will expire on September 9, 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 El Salvador. As a result of this review, USCIS recommends that you extend El Salvador's designation for TPS for 18 months, from September 10, 2016 through March 9, 2018, because a series of earthquakes in 2001 and subsequent environmental disasters have substantially disrupted living conditions, such that El Salvador remains temporarily unable to adequately handle the return of its nationals.² As part of the review

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 El Salvador, individuals having no nationality who last habitually resided in El Salvador may also be eligible for TPS under El Salvador's designation. See INA § 244(a)(1). As such, references to nationals

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process, USCIS has consulted with the Department of State (DOS). DOS also recommends an extension of El Salvador's designation for TPS and has indicated that the Salvadoran government continues to support the designation. The recommended extension would permit current Salvadoran TPS beneficiaries to maintain their status through March 9, 2018.

Background: On March 9, 2001, the Attorney General designated El Salvador for TPS on environmental disaster grounds, specifically, because of the devastation caused by major earthquakes in January and February of that year.³ El Salvador's designation has been extended 10 times since the 2001 designation, with the most recent extension announced on January 7, 2015.⁴ To be eligible for TPS under El Salvador's designation, along with meeting the other eligibility requirements, individuals must have continuously resided in the United States since February 13, 2001, and have been continuously physically present in the United States since March 9, 2001. There are approximately 263,876 Salvadoran TPS beneficiaries.⁵

Both USCIS and DOS have conducted an in-depth review of conditions in El Salvador. The country condition reports, upon which this recommendation to extend is based, can be found in Attachments B and C. In summary, El Salvador continues to suffer residual effects of the major earthquakes and aftershocks that led to its designation in 2001. The earthquakes killed over 1,000 individuals, caused over 8,000 injuries, and affected over 1.5 million people. They 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, and a prolonged regional drought that is impacting food security. The regional drought currently affecting El Salvador has made the country the driest it has been in 35 years. The drought is projected to cause more than \$400 million in losses from corn, beans, coffee, sugar cane, livestock, and vegetables, resulting in subsistence farmers facing malnutrition and pressure to migrate. Due to the drought and a regional coffee rust epidemic, coffee production for

of El Salvador in this memorandum should be read to include individuals having no nationality who last habitually resided in El Salvador.

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

⁴ See Extension of the Designation of El Salvador for Temporary Protected Status, 80 FR 893 (Jan. 7, 2015).

⁵ This total represents all individuals who have been granted TPS since El Salvador's designation in 2001 and who have not had their TPS withdrawn. Not all of these individuals continue to re-register because they have adjusted to another valid immigration status (e.g., approximately 37,033 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 195,000 re-registration applications will be filed if El Salvador's designation for TPS is extended.

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the 2015-2016 harvest is projected to be 30-percent lower than the previous season, and the U.S. Department of Agriculture expects next year's harvests to be the smallest in 80 years. Further, environmental and social conditions have contributed to an outbreak of mosquito borne illnesses, including chikungunya and dengue.

Although progress has been made in repairing physical damage caused by the 2001 earthquakes, infrastructure challenges remain. El Salvador faces a deficit of approximately 630,000 houses, created in part because 340,000 homes destroyed in the 2001 earthquakes still have not been rebuilt. A lack of potable water and electricity remain serious problems; more than 10 percent of El Salvador's total population lacks access to potable water. Water contamination and shortages are of particular concern in the San Salvador metropolitan area, where they have affected the day-to-day activities of the population and have reportedly led to conflicts over water.

The fiscal, unemployment, and security situations in El Salvador also remain poor. El Salvador's economy is experiencing significant challenges, and rising levels of indebtedness and a lack of outside financing options have challenged the government's ability to satisfy basic recurring obligations. Around a third of the country's work force is underemployed or unable to find full-time work. In 2014, almost a third of all Salvadorans (31.9 percent) lived in poverty. Murder, extortion, and robbery rates are high, and the government struggles to respond adequately to crime, including significant criminal gang activity. The police suffer from insufficient staffing, corruption, and inadequate training. The judicial system is also weak, with a low criminal conviction rate and high levels of corruption, creating an environment of impunity.

Options:

1. Extend El Salvador's Designation for TPS

Our review of conditions in El Salvador demonstrates that the statutorily required conditions supporting El Salvador's designation for TPS continue to be met, as a series of earthquakes in 2001 and subsequent environmental disasters have substantially disrupted living conditions, such that El Salvador remains temporarily unable to adequately handle the return of its nationals. Although the United States is returning certain Salvadoran nationals to El Salvador in accordance with policy priorities, environmental disasters have significantly compromised El Salvador's capacity to receive and reintegrate returning nationals by limiting the availability of housing and employment opportunities, perpetuating poverty and food insecurity, damaging infrastructure, and hampering the provision of security. These challenges broadly prevent El Salvador from being able to adequately handle the return of its nationals. Additionally, the Salvadoran government continues to support the TPS designation.

Thus, an 18-month extension of El Salvador's designation for TPS is recommended by both USCIS and DOS. This extension of El Salvador's designation for TPS would permit current Salvadoran TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through March 9, 2018.

2. Terminate El Salvador's Designation for TPS

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

3. Redesignate El Salvador for TPS

Redesignating El Salvador for TPS 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 February 13, 2001, and the current continuous physical presence date of March 9, 2001. 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 El Salvador could result in roughly 750,000 Salvadorans in the United States with TPS eligibility.⁶

Although neither USCIS nor DOS is recommending that El Salvador be redesignated for TPS at this time, conditions in the country do suggest possible options for a discretionary redesignation. Most significantly, El Salvador is experiencing high levels of organized crime and gang-related violence, creating an unstable security situation in the country. These conditions could potentially form a basis for redesignation on extraordinary and temporary conditions grounds.⁷ El Salvador's Northern Triangle neighbors, Honduras and Guatemala, are similarly experiencing high levels of violence and a lack of security.

To address these conditions, the Obama administration has created the Strategy for U.S. Engagement in Central America. Pursuant to this strategy, DHS, DOS, and other departments and agencies are working with Central American governments and international organizations to reduce levels of crime and violence and build the capacity of

⁶ This number includes current beneficiaries.

⁷ See INA § 244(b)(1)(C).

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law enforcement and rule of law institutions. DHS is also working to provide safe, legal, and orderly immigration avenues to the United States for individuals in need of humanitarian protection, including through its partnership with DOS on the Central American Minors Refugee/Parole Program and a planned expansion of the U.S. Refugee Admissions Program in Central America. Given the regional nature of these conditions and the coordinated interagency efforts to address them already in place, any potential TPS designations or redesignations for El Salvador, Honduras, or Guatemala should be discussed and considered within the broader U.S. Government strategy for engagement in the region to promote policy consistency and parity.⁸

Timeliness: You are required to make a decision regarding extension or termination of TPS for El Salvador 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*.⁹ A decision by June 13, 2016, will comply with this requirement and will facilitate timely publication of notice by the target publication date of July 11, 2016. If you do not make a decision at least 60 days prior to the September 9, 2016 expiration of El Salvador's current designation (i.e., by July 11, 2016), then El Salvador's designation must automatically be extended for a minimum of 6 months.¹⁰

Recommendation: Following interagency consultation with DOS and a thorough review of the conditions in El Salvador, USCIS recommends that you extend El Salvador's designation for TPS for 18 months, from September 10, 2016 through March 9, 2018, because a series of earthquakes in 2001 and subsequent environmental disasters have substantially disrupted living conditions, such that El Salvador remains temporarily unable to adequately handle 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 El Salvador

Attachment C: Department of State Recommendation Regarding Extension of Temporary Protected Status for El Salvador

⁸ Redesignating both El Salvador and Honduras and designating Guatemala for the first time could result in almost 2 million nationals of those three countries with TPS eligibility. The Office of Immigration Statistics estimates that under this scenario, roughly 750,000 Salvadorans, 500,000 Hondurans, and 700,000 Guatemalans would be eligible for TPS (including current beneficiaries), for a total of over 1,950,000 individuals.

⁹ See INA § 244(b)(3)(A).

¹⁰ 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 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.

U.S. Citizenship
and Immigration
Services**TEMPORARY PROTECTED STATUS CONSIDERATIONS: EL SALVADOR
NOVEMBER 2015****OVERVIEW**

El Salvador was originally granted Temporary Protected Status following two separate earthquakes in 2001. The first earthquake, on January 13, registered 7.6 on the Richter Scale; the second, on February 13, had a magnitude of 6.6.¹ Over 3,000 aftershocks hit El Salvador in the aftermath of the earthquakes, including those with 5.1 and 5.6 magnitudes in late February 2001.²

Together, the earthquakes caused the death of over 1,000 people and injured more than 8,000.³ Over 1.5 million people—approximately 25% of the population—were affected.⁴ According to the United States Agency for International Development (USAID), Usulután, La Libertad, La Paz, San Vicente, San Miguel, and Sonsonate were the departments most affected by the January 13 earthquake, while Cuscatlán, La Paz, and San Vicente were most impacted by the subsequent earthquake on February 13.⁵ According to the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the earthquakes had a significant impact on the poorest sectors of society, and even altered the “geographical distribution of poverty” in El Salvador; departments most impacted by the earthquakes experienced significant declines in their human development indices.⁶

Total damages and losses were estimated at \$1.6 billion—approximately 12% of El Salvador’s gross domestic product (GDP).⁷ The earthquakes caused destruction or significant damage to transportation infrastructure, housing and human settlements, education and health services, small and medium businesses, and the environment.⁸ The Government of El Salvador estimated that reconstruction would cost over \$2.8 billion.⁹

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

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

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

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

⁵ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

⁶ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), p.163, 310, 2003.

⁷ *Ibid*, p.306, 308.

⁸ *Ibid*, p.313.

⁹ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

In response to the devastation, various countries, international organizations, non-governmental organizations, and the Salvadoran diaspora provided aid and assistance to support El Salvador's recovery.¹⁰ At an Inter-American Development Bank (IDB) meeting in March 2001, donors pledged \$1.3 billion to support reconstruction.¹¹

Nevertheless, recovery 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, and a prolonged drought that is impacting food security.

HOUSING

The 2001 earthquakes caused significant damage to housing and exacerbated El Salvador's pre-existing housing deficit.¹² Estimates of the total number of houses damaged or destroyed by the earthquake vary, ranging from approximately 276,000 to 334,000.¹³

International donors supported the reconstruction and repair of homes in El Salvador. From January to May 2001, USAID provided 23,000 temporary homes.¹⁴ As a part of its \$170 million Earthquake Reconstruction Program—which was completed in 2005¹⁵—USAID built 26,872 permanent houses for families impacted by the earthquakes.¹⁶ The IDB approved three loans totaling \$110 million in February, April, and December 2001 to support housing reconstruction efforts; these programs have all been completed.¹⁷ In 2010, the IDB approved a \$70 million loan for a project—which is still ongoing—to improve general housing conditions in El Salvador.¹⁸

Despite these efforts, according to Habitat for Humanity's analysis of Salvadoran government data, El Salvador has a housing deficit of 630,000 houses, equivalent to 51% of the population.¹⁹

¹⁰ Weiss Fagen, Patricia, *El Salvador: A case study in the role of the affected state in humanitarian action*, Humanitarian Policy Group, Overseas Development Institute, p.4-6, Mar. 2008.

¹¹ *Ibid.*, p.6.

¹² *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, CHF International, p. 1, Oct. 31, 2004.

¹³ *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, p.1; *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

¹⁴ U.S. Agency for International Development, *El Salvador – Disaster Response*, Jul. 17, 2015, <https://www.usaid.gov/el-salvador/disaster-response>, (last visited Nov. 3, 2015).

¹⁵ *Earthquake Reconstruction Program Close Out (August 10, 2005)*, U.S. Embassy San Salvador, Aug. 10, 2005.

¹⁶ *El Salvador – Disaster Response*.

¹⁷ Inter-American Development Bank, *ES0148: Emergency Project for El Salvador*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0148>, (last visited Nov. 3, 2015); Inter-American Development Bank, *ES0150: Emergency Project El Salvador II*, <http://www18.iadb.org/en/projects/project-description-title.1303.html?id=ES0150>, (last visited Nov. 3, 2015); Inter-American Development Bank, *ES0087: Housing Program*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0087>, (last visited Nov. 3, 2015).

¹⁸ Inter-American Development Bank, *ES-L1022: Housing Program and Integral Improvement of Urban Informal Settlements*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1022>, (last visited Nov. 3, 2015).

¹⁹ Habitat for Humanity, *Habitat for Humanity El Salvador*, <http://www.habitat.org/where-we-build/el-salvador>, (last visited Nov. 3, 2015).

EDUCATION

The 2001 earthquakes also caused significant damage to educational facilities and disruptions to El Salvador's education system. The earthquakes damaged or destroyed 1,516 educational facilities; damages were estimated at \$63.9 million.²⁰ The start of the school year was also delayed until repairs could be made to existing facilities or temporary facilities could be provided.²¹

While schools have been reconstructed and repaired, challenges remain for El Salvador's educational infrastructure and facilities. Through its Earthquake Reconstruction Program, USAID rebuilt 53 schools.²² Nevertheless, in April 2012, a Salvadoran newspaper reported that damage to a school in Zacatecoluca had yet to be repaired;²³ reconstruction started in August 2012—more than 11 years after the 2001 earthquakes.²⁴ In September 2014, a Salvadoran newspaper reported that 3,300 out of 5,135 schools had insufficient educational space, i.e. more than one grade level per classroom; 834 schools had only one room for six different grades.²⁵ Other issues with school infrastructure identified in the report include: broken roofs, a lack of retaining and perimeter walls, and susceptibility to flooding.²⁶

HEALTH

The 2001 earthquakes severely damaged El Salvador's medical infrastructure. Per the World Bank, 113 of 361 government health facilities were damaged, "which removed from service more than 2,000 hospital beds and reduced the hospitals' capacity by 25 percent."²⁷ According to the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), reconstruction and rehabilitation of health facilities was estimated to cost \$162 million.²⁸ Moreover, El Salvador faced other health challenges after the earthquakes, including the limited capacity and managerial resources of its public health system, vector-borne diseases, and maternal and child health issues.²⁹

In response, the World Bank worked with the Government of El Salvador to implement the Earthquake Emergency Reconstruction and Health Services Extension Project, which sought to rebuild hospital networks, improve health service equity, and extend health service coverage.³⁰ Through the project, three hospitals destroyed by the earthquakes were rebuilt, while three others that were damaged were rehabilitated; these hospitals received training and new technology.³¹ The project "also conducted preventive maintenance of hospitals and improved hospital services to over

²⁰ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.103.

²¹ *Ibid.*

²² *El Salvador – Disaster Response*.

²³ Bolaños, Mauricio, *Escuela dañada por terremotos de 2001 aún sin reparar*, La Prensa Gráfica (El Sal.), Apr. 30, 2012.

²⁴ Bolaños, Mauricio, *Sin local provisional para reparar escuela*, La Prensa Gráfica (El Sal.), Aug. 27, 2012.

²⁵ Bolaños, Hermelinda, *Más de 800 escuelas con solo un aula para seis grados*, La Prensa Gráfica (El Sal.), Sep. 28, 2014.

²⁶ *Ibid.*

²⁷ *El Salvador's fight against disaster*, The World Bank, Nov. 12, 2013.

²⁸ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

²⁹ *El Salvador's fight against disaster*.

³⁰ *Ibid.*

³¹ *Ibid.*

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3 million beneficiaries.”³² In addition, health and nutrition services “were extended to 1.23 million women, children, poor and indigenous people in the 141 poorest municipalities.”³³

Contemporary challenges in the health sector include the exclusion of low-income residents from the health care system, and a lack of funding and staffing for medical facilities outside San Salvador, the capital city.³⁴ An ongoing \$60 million program funded by the IDB to support the implementation of a universal primary care health system and strengthen the government health ministry was approved in July 2010;³⁵ the second phase of this program for an additional \$170 million was in the preparation stage as of November 2015.³⁶

WATER AND SANITATION

The 2001 earthquakes also caused damage to water and sanitation services in El Salvador. Damage to water storage tanks and distribution systems contributed to the loss of access to drinking water for approximately 500,000 urban residents and more than 75,000 inhabitants of rural areas.³⁷ Latrines “sustained considerable damage or were totally destroyed”; approximately 63,000 latrines in rural areas were damaged.³⁸ Damages to drinking water and sanitation systems were estimated at \$16.3 million.³⁹

According to ECLAC, the international community provided one million dollars in emergency assistance for water and sanitation in the aftermath of the earthquakes.⁴⁰ Tanker trucks and potable water treatment equipment were used to provide emergency relief, while government authorities worked to repair damaged water systems and restore service as quickly as possible.⁴¹ In August 2010, the IDB approved a \$44 million water and sanitation program designed to help expand water and sanitation coverage in rural areas, and improve water resource management and services.⁴²

Despite the impact of the 2001 earthquakes, access to drinking water and sanitation has increased in El Salvador in the long-term.⁴³ According to the World Health Organization/United Nations Children’s Fund (WHO/UNICEF) Joint Monitoring Programme for Water Supply and Sanitation, as

³² Ibid.

³³ Ibid.

³⁴ IHS Jane’s Sentinel Security Assessment, *El Salvador > Demography*, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1302179&Pubabbrev=CAC>, (last visited Nov. 9, 2015).

³⁵ Inter-American Development Bank, *ES-L1027 : Integrated Health Program*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1027>, (last visited Nov. 9, 2015).

³⁶ Inter-American Development Bank, *ES-L1095 : Integrated Health Program II*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1095>, (last visited Nov. 9, 2015).

³⁷ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.164.

³⁸ Ibid, p. 165.

³⁹ Ibid.

⁴⁰ Ibid, p. 164.

⁴¹ Ibid.

⁴² *El Salvador to improve water services with Spanish grant and IDB support*, Inter-American Development Bank, Aug. 6, 2010.

⁴³ *Estimates on the use of water sources and sanitation facilities – El Salvador*, 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=EL+SALVADOR&tx_displaycontroller%5Btype%5D=country_files, (last visited Nov. 4, 2015).

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of 2015, an estimated 94% of the Salvadoran population had access to an improved drinking water source, while an estimated 75% had access to improved sanitation facilities; in 2000—the last year of survey data prior to the 2001 earthquakes—82% of the population had access to an improved drinking water source, while only 62% had access to improved sanitation facilities.⁴⁴

TRANSPORTATION INFRASTRUCTURE

The 2001 earthquakes and ensuing aftershocks damaged some of the country's main highways and rendered smaller roads impassable.⁴⁵ Seaports and the country's main international airport also suffered damages.⁴⁶ According to ECLAC, damages from the earthquakes to transportation infrastructure increased cargo and commuter travel times.⁴⁷ Total damages to transportation infrastructure were estimated at \$433 million.⁴⁸

Since the 2001 earthquakes, the Inter-American Development Bank (IDB) has approved a series of programs to support repairs to infrastructure and improvements to El Salvador's road network. In April 2001, the IDB approved a \$105 million dollar line of credit, to be disbursed in two installments, to help repair damaged roads.⁴⁹ Projects enacted with funds from the first disbursement of \$58 million were completed in 2009,⁵⁰ while the second installment of \$55.4 million was cancelled.⁵¹ As of November 2015, IDB funded transportation programs currently being implemented in El Salvador include: a \$35 million program to rehabilitate, improve, and maintain roads in rural areas;⁵² a \$45 million program to improve transportation infrastructure in the San Salvador metropolitan area;⁵³ a \$15 million program to improve rural roads in the north and east;⁵⁴ and a \$115 million program to improve a major international highway.⁵⁵

In 2013, the IDB reported that only 26% of roads in El Salvador were paved.⁵⁶ Moreover, per IHS Jane's, "due to poor levels of maintenance, El Salvador's road network (even the main highways) is constantly vulnerable to adverse climatic condition."⁵⁷

⁴⁴ Ibid.

⁴⁵ IDB approves first phase of \$105 million line of credit to improve road system in El Salvador, Inter-American Development Bank, Apr. 11, 2001.

⁴⁶ *Crónicas de desastres: Terremotos en El Salvador 2001*, Pan-American Health Organization, p.36, Jun. 30, 2002.

⁴⁷ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.314.

⁴⁸ Ibid, p.306.

⁴⁹ IDB approves first phase of \$105 million line of credit to improve road system in El Salvador.

⁵⁰ Inter-American Development Bank, *ES0129 : Sustainable Rural Roads Program*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES0129>, (last visited Nov. 4, 2015).

⁵¹ Inter-American Development Bank, *ES-L1001 : Multiphase Program for Sustainable Roads in Rural Areas Phase II*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1001>, (last visited Nov. 4, 2015).

⁵² Inter-American Development Bank, *ES-L1045 : Sustainable Roads for Development*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1045>, (last visited Nov. 4, 2015).

⁵³ Inter-American Development Bank, *ES-L1050 : Transportation Program for the San Salvador Metropolitan Area*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1050>, (last visited Nov. 4, 2015).

⁵⁴ Inter-American Development Bank, *ES-L1061 : Rural connectivity program for the northern and eastern zones*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1061>, (last visited Nov. 4, 2015).

⁵⁵ Inter-American Development Bank, *ES-L1085 : Mesoamerican Pacific Corridor Improvement Program*, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1085>, (last visited Nov. 4, 2015).

⁵⁶ *Perfil de Proyecto: El Salvador - Programa de Mejoramiento del Corredor Pacífico Mesoamérica (ES-L1085)*, Inter-American Development Bank, p. 2, Jul. 31, 2013, <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37938223>, (last visited Nov. 9, 2015).

SUBSEQUENT NATURAL DISASTERS

El Salvador is vulnerable to various natural disasters, including earthquakes, volcanic activity, hurricanes, tropical storms, floods, landslides, heavy rain, and severe droughts.⁵⁸ Between 1970 and 2011, El Salvador was impacted by 42 natural disasters,⁵⁹ which caused more than \$5 billion in losses.⁶⁰ USAID reports that, according to the United Nations Development Programme, “88.7 percent of El Salvador’s territory is susceptible to severe impacts of natural disasters and approximately 95.4 percent of El Salvador’s population is at some risk.”⁶¹ Per the 2014 Global Climate Risk Index, El Salvador is the 13th most vulnerable country in the world to climate change and climate risks.⁶²

Representing 83% of natural disasters recorded between 1970 and 2011, hydro-meteorological events—including hurricanes, tropical storms, heavy rains, and flooding—have caused significant damage in El Salvador.⁶³ For instance, in May 2005, Hurricane Adrian hit the coast of El Salvador, killing two people and causing the evacuation of up to 20,000 residents.⁶⁴ In October 2005, Hurricane Stan caused flooding and landslides, leaving entire communities covered in mud.⁶⁵ Hurricane Felix affected 560 families in September 2007,⁶⁶ while Hurricane Ida killed at least 124 people and left 60 missing in ensuing mudslides and flooding in 2009.⁶⁷ Tropical Storm Agatha killed nine people in May 2010.⁶⁸

In September and October 2011, Tropical Depression 12-E brought approximately 59 inches of rain in under a week—more than Hurricane Mitch in 1998.⁶⁹ Approximately 10% of El Salvador’s territory was flooded.⁷⁰ Heavy rains caused 132 rivers to overflow and 1,303 landslides, killing 35 people and contributing to the evacuation of 59,854 people from over 160 communities.⁷¹ Moreover, 690 schools, 201 health centers, and 93 roads and highways were damaged; 35 bridges and 1,537 homes were damaged or destroyed; and 18,562 homes were flooded as a result of the

⁵⁷ IHS Jane’s Sentinel Security Assessment, *El Salvador > Infrastructure*, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1302180&Pubabbrev=CAC>, (last visited Nov. 4, 2015).

⁵⁸ *Crónicas de desastres: Terremotos en El Salvador 2001*, p.9.; WFP El Salvador | *Brief Reporting period: 01 January – 31 March 2015*, World Food Programme, p.2, Mar. 31, 2015.

⁵⁹ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, Oxfam, p.12, Nov. 2014.

⁶⁰ *Centroamérica pierde más de US\$9 mil 801 millones por desastres naturales*, Redhum, Oct. 29, 2014.

⁶¹ *El Salvador – Disaster Response*.

⁶² *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.6; WFP El Salvador | *Brief Reporting period: 01 January – 31 March 2015*, p.2.

⁶³ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.6.

⁶⁴ *Hurricane Adrian hits El Salvador*, BBC News, May 20, 2005.

⁶⁵ Planas, Monica, *Red Cross works to relieve hurricane Stan’s effect in El Salvador*, International Federation of Red Cross and Red Crescent Societies, Oct. 26, 2005, <http://www.ifrc.org/en/news-and-media/news-stories/international/red-cross-works-to-relieve-hurricane-stans-effect-in-el-salvador/>, (last visited Nov. 5, 2015).

⁶⁶ *Latin America and the Caribbean - Hurricane Season 2007 Fact Sheet #9 (FY 2008)*, USAID, Feb. 29, 2008.

⁶⁷ *Hurricane Kills 124 in El Salvador*, Reuters, Nov. 8, 2009.

⁶⁸ *Agatha leaves 82 dead in Guatemala, El Salvador*, CNN, May 30, 2010.

⁶⁹ *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.3, Feb. 13, 2014.

⁷⁰ *Informe Preliminar - Evaluación de daños y pérdidas en El Salvador ocasionados por la Depresión Tropical 12E*, Gobierno de El Salvador & Comisión Económica para América Latina (CEPAL), p.5, Oct. 2011.

⁷¹ *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, p.3.

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storm.⁷² ECLAC estimated that Tropical Depression 12-E caused damages of more than \$900 million in El Salvador.⁷³ In November 2011, the World Bank disbursed \$50 million to the Salvadoran government to help address the impact of flooding caused by the storm.⁷⁴

In June 2013, Tropical Storm Barry caused flooding in El Salvador, killing two people.⁷⁵ High waves produced by tropical storms in the Southern Hemisphere caused damage along El Salvador's coastline in May 2015, forcing the evacuation of more than 1,300 people and leaving one person missing.⁷⁶ In October 2015, heavy rains produced flooding and landslides; four people were killed and more than 200 homes were damaged.⁷⁷

A prolonged regional drought—"one of the most severe in the history of Central America"—associated with El Niño⁷⁸ continues to impact El Salvador, particularly families living in regions of the country located in the "Dry Corridor"⁷⁹ of Central America.⁸⁰ In 2014, approximately 384,000 people, 105 municipalities in 12 departments, and 65% of agricultural land were impacted by the most severe drought in El Salvador since 1977.⁸¹ The drought caused significant crop loss, including 30% of corn and 90% of bean production, contributing to increased food prices and declining food reserves.⁸² Losses from the drought in 2014 were estimated at more than \$70 million.⁸³ By December 2014, more than 85,000 people were affected by food insecurity;⁸⁴ an

⁷² Ibid.

⁷³ Ibid.

⁷⁴ *El Salvador – WB Disburses US\$50 Million in Immediate Aid in Aftermath of Flood Emergency*, World Bank, Nov. 8, 2011.

⁷⁵ Stewart, Stacy R., *Tropical Storm Barry (AL022013), 17-20 June 2013*, National Hurricane Center, Oct. 7, 2013.

⁷⁶ *El Salvador: Storm Surge Emergency Plan of Action (EPoA) DREF Operation n° MDRSV008*, International Federation of Red Cross and Red Crescent Societies, p.1-2, May 15, 2015.

⁷⁷ *Heavy rains leave four dead in El Salvador*, Agence France-Presse, Oct. 19, 2015.

⁷⁸ El Niño, or the El Niño-Southern Oscillation (ENSO), is a "climate pattern that describes the unusual warming of surface waters along the tropical west coast of South America. El Niño has an impact on ocean temperatures, the speed and strength of ocean currents, the health of coastal fisheries, and local weather from Australia to South America," including Central America. See National Geographic, Education, *El Niño/El Niño-Southern Oscillation (ENSO)*, <http://education.nationalgeographic.com/encyclopedia/el-nino/>, (last visited Nov. 11, 2015).

⁷⁹ 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.

⁸⁰ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.1, Oct. 6, 2015.

⁸¹ *Global Emergency Overview - December 2014*, ACAPS, p.112, Dec. 16, 2014.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ *Drought in Central America: Situation Report No. 01 (as of December 10, 2014)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.3, Dec. 10, 2014.

estimated 56% of families affected by the drought “adopted one or more coping mechanisms, such as selling their farm tools and animals” to address their lack of food security.⁸⁵

The regional drought has become even more severe in 2015, “surpassing in size and impact the situation faced in 2014.”⁸⁶ El Salvador’s Ministry of the Environment and Natural Resources (MARN) reported that the May-June-July trimester was the driest in the country’s recorded history.⁸⁷ Crop losses of corn and beans—estimated at nearly \$100 million—have exceeded those of 2014.⁸⁸ According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), an estimated 825,000 people were affected by the drought in El Salvador as of October 2015, including 192,000 people in need of immediate food assistance.⁸⁹ In September 2015, the World Food Programme reported that more than 50% of affected households had resorted to coping strategies to address a lack of food security, including reducing the size and number of meals, limiting expenditures on and selling productive assets, borrowing food, and using savings or credit to purchase food.⁹⁰

El Salvador has also been impacted by a regional coffee rust⁹¹ epidemic, which has caused crop loss and declining coffee production throughout Central America in recent years.⁹² Over 2 million people have been affected by coffee rust in the region, which has been “ruining the livelihoods of communities in Guatemala, El Salvador, Honduras, and Nicaragua.”⁹³ By October 2014, an estimated 655,000 people in Honduras, Nicaragua, and El Salvador were considered food insecure due to the coffee rust epidemic.⁹⁴ The 2013-2014 coffee harvest in El Salvador was the least productive in 100 years.⁹⁵ An estimated 100,000 farmers directly dependent on the Salvadoran coffee industry lost their jobs in 2014.⁹⁶ More than half of El Salvador’s 50 poorest municipalities and 36 of the 50 municipalities with the highest malnutrition rates are located in coffee growing regions of the country.⁹⁷

⁸⁵ *The Drought Impacts the Food Security of More than 35,000 Families in El Salvador*, World Food Programme, Nov. 20, 2014, <http://www.wfp.org/news/news-release/drought-impacts-food-security-more-35000-families-el-salvador> (last visited Nov. 9, 2015).

⁸⁶ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.1.

⁸⁷ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁸⁸ *Drought causes \$100 million in crop losses in El Salvador*, Agence France-Presse, Aug. 10, 2015.

⁸⁹ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁹⁰ *Initial Analysis of the Impact of the Drought on Food Security in Guatemala, El Salvador, and Honduras -September 2015*, World Food Programme-Latin America and the Caribbean, p.3, Sep.24, 2015.

⁹¹ 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.

⁹² Malkin, Elisabeth, *A Coffee Crop Withers: Fungus Cripples Coffee Production Across Central America*, New York Times, May 5, 2014; Sang, Dorothy, *International coffee day: a devastating plague of coffee rust that is leaving communities hungry and desperate*, Save the Children, Sep. 29, 2014, <http://blogs.savethechildren.org.uk/2014/09/international-coffee-day-a-devastating-plague-of-coffee-rust-that-is-leaving-communities-hungry-and-desperate/>, (last visited Nov. 6, 2015).

⁹³ Sang.

⁹⁴ *Global Emergency Overview – December 2014*, p.112.

⁹⁵ Aleman, Uveli, *Cosecha de café 15/16 no superaría los 600,000 quintales por la sequía*, Diario El Mundo (El Sal.), Sep. 26, 2015.

⁹⁶ *Global Emergency Overview – December 2014*, p.112.

⁹⁷ *WFP El Salvador | Brief Reporting period: 01 April – 30 June 2015*, World Food Programme, p.3, Jun. 30, 2015.

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Damages resulting from seismic and volcanic activity have also affected El Salvador in recent years. For instance, between December 17, 2006 and January 15, 2007, a total of 1,039 earthquakes impacted the department of Ahuachapán, damaging more than 3,000 homes and affecting over 16,000 people.⁹⁸ On October 14, 2014, a 7.3 magnitude earthquake damaged homes, schools, and a hospital, disrupted electricity in parts of the country, and killed one person.⁹⁹

In early October 2005, the Ilamatepec volcano erupted, killing two people and forcing the evacuation of more than 2,000 people.¹⁰⁰ Evacuees were forced to “remain in poorly prepared shelters for over two months due to persistent volcanic activity.”¹⁰¹ On December 29, 2013, the Chaparrastique volcano erupted, spewing volcanic ash and sulfur dioxide gas that necessitated the evacuation of 63,079 people from surrounding areas; caused air pollution that increased health risks; restricted access to water sources; and impacted livestock and farming activities.¹⁰² The Chaparrastique volcano remained active throughout 2014, with 16 reported eruptions of ash and gas reported in the first nine months of the year.¹⁰³ In May 2014, over 1,000 people were evacuated due to an increase in the volcanic activity of Chaparrastique.¹⁰⁴ In 2015, eruptions of sulfur dioxide gas in January and February caused respiratory problems for the surrounding population,¹⁰⁵ additional eruptions and volcanic activity of Chaparrastique were reported in April, July, and August.¹⁰⁶

Environmental and social conditions have contributed to a dramatic outbreak of mosquito borne illnesses in El Salvador, namely chikungunya and dengue.¹⁰⁷ El Salvador became the first country in Central America to suffer an outbreak of chikungunya, which began in June 2014.¹⁰⁸ El Salvador’s Ministry of Health reported that there were 167,001 suspected cases of chikungunya in 2014, leading to the hospitalization of 54 people and 6 deaths; all 262 municipalities were impacted.¹⁰⁹ Per the Centers for Disease Control and Prevention (CDC), there is no vaccine nor medical treatment for chikungunya, which typically causes fever and severe joint pain.¹¹⁰ While “most patients feel better within a week,” the CDC notes that “the symptoms can be severe and disabling” and cause joint pain that lasts for months.¹¹¹

⁹⁸ *El Salvador: Seismic Swarm DREF Bulletin no. MDRSV001 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.2, Jul. 23, 2007.

⁹⁹ *Quake leaves one dead in El Salvador: official*, Agence France-Presse, Oct. 14, 2014; MINED: *13 centros educativos con daños menores por sismo*, La Prensa Gráfica (El Sal.), Oct. 14, 2014.

¹⁰⁰ *El Salvador volcano causes chaos*, BBC News, Oct. 2, 2005.

¹⁰¹ Weiss Fagen, p.7.

¹⁰² *El Salvador: Volcanic eruption Emergency Plan of Action (EPoA) DREF Operation MDRSV006 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.1-2, Oct. 17, 2014.

¹⁰³ *Volcán salvadoreño completa un año de actividad eruptiva*, Redhum, Dec. 29, 2014.

¹⁰⁴ *El Salvador evacuates 1,000 people near volcano*, Associated Press, May 20, 2014.

¹⁰⁵ Lazo, Flor, *Gases del volcán impactan salud en comunidades*, La Prensa Gráfica (El Sal.), Feb. 4, 2015.

¹⁰⁶ Sosa, Bryon, *Otra emanación de gases del volcán Chaparrastique*, La Prensa Gráfica (El Sal.), Jul. 17, 2015; *Informe Especial No. 79 El volcán Chaparrastique continúa presentando cambios en su comportamiento*, Government of El Salvador, Aug. 26, 2015.

¹⁰⁷ *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, International Federation of Red Cross and Red Crescent Societies, p. 2, Jun. 23, 2015.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ *Chikungunya: What you need to know*, Centers for Disease Control and Prevention, Sep. 23, 2015.

¹¹¹ Centers for Disease Control and Prevention, *Chikungunya Virus: Symptoms, Diagnosis, & Treatment*, Aug. 3, 2015, <http://www.cdc.gov/chikungunya/symptoms/index.html>, (last visited Nov. 16, 2015).

In addition, there were 41,532 suspected cases of dengue in 2014—more than double the number of cases reported in the previous year—including “12,483 confirmed cases, 153 cases of severe dengue and 4 deaths.”¹¹² According to a Salvadoran media report, through mid-September 2015, hospitalizations due to dengue had increased by 82% in comparison to the same period in 2014.¹¹³ Per the World Health Organization (WHO), symptoms of dengue—which typically last for two to seven days—include “severe headache, pain behind the eyes, muscle and joint pains, nausea, vomiting, swollen glands or rash.”¹¹⁴ There is no vaccine nor medical treatment for dengue; the disease can evolve into severe dengue, for which “proper medical care is needed to avoid complications and risk of death.”¹¹⁵

SUMMARY

El Salvador suffered catastrophic damage as a result of the 2001 earthquakes. While the international community responded to the disaster with a substantial amount of aid, and reconstruction projects have been completed, El Salvador remains vulnerable to recurrent natural disasters and environmental concerns—many of which have occurred in recent years; these include hurricanes and tropical storms, floods and heavy rains, a severe drought, a coffee rust outbreak, seismic and volcanic activity, an outbreak of mosquito borne diseases, and other severe weather patterns related to climate change. These and other environmental issues continue to pose challenges for El Salvador as it seeks to promote economic development for its citizens and minimize the humanitarian impact of natural disasters like the 2001 earthquakes.

¹¹² *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, p. 2.

¹¹³ *Aumentan un 82 % ingresos por el dengue*, Redhum, Sep. 25, 2015.

¹¹⁴ World Health Organization, *Dengue and severe dengue*, May 2015, <http://www.who.int/mediacentre/factsheets/fs117/en/>, (last visited Nov. 16, 2015).

¹¹⁵ *Ibid.*

ADDITIONAL TPS CONSIDERATIONS FEBRUARY 2016

With more than 6,650 murders and a homicide rate of 104 per 100,000 inhabitants, El Salvador became the most violent country in the world outside of a war zone in 2015.¹¹⁶ Homicide levels have skyrocketed in El Salvador since the collapse of a 2012 truce between factions of the rival Mara Salvatrucha (MS-13) and Barrio 18 street gangs in 2014.¹¹⁷ There were more murders per day in 2015 than during the country's 12 year civil war (1979-1992); one out of every 1,000 inhabitants was murdered during the year.¹¹⁸ Various factors have been cited as causes of rising levels of violence, including competition between gang factions and internal gang purges, gangs' targeting of and attacks against security forces, and the harsh anti-gang tactics used by the Salvadoran government, including allegations of summary executions by security forces and their alleged participation in death squads.¹¹⁹

Factions of MS-13 and Barrio 18 are present in all of El Salvador's 14 departments.¹²⁰ Gangs use violence, direct threats, and the creation of a general state of fear to restrict individual behavior and ensure social complicity in areas under their territorial control.¹²¹ For instance, individuals living in an area controlled by one gang can be harmed or killed solely for entering the territory of a rival gang, effectively restricting residents' ability to work, attend school, travel, and visit family.¹²² Gang recruitment of youth has dramatically increased since the collapse of the truce; active gang members are reportedly now as young as 11 years old.¹²³

According to the U.S. Department of State's Bureau of Diplomatic Security, "crimes of every type routinely occur" in El Salvador, including extortion, car theft, robbery, homicide, rape, and credit card skimming.¹²⁴ Extortion is the most important source of revenue for gangs, who extort virtually all businesses in areas under their control.¹²⁵ Nearly 25% of Salvadorans reported being the victim of a crime in 2015—the highest percentage since polling on the topic began in 2000.¹²⁶

¹¹⁶ *El Salvador becomes world's most deadly country outside a war zone*, AFP, Jan. 5, 2016.

¹¹⁷ Gagne, David, *InSight Crime's 2015 Latin America Homicide Round-up*, InSight Crime, Jan. 14, 2016.

¹¹⁸ Martinez, Oscar, *Living Within the Boundaries of El Salvador's Gang 'War'*, InSight Crime, Jan. 7, 2016.

¹¹⁹ Daugherty, Arron, *El Salvador is Most Violent Nation in Western Hemisphere*, InSight Crime, Jan. 4, 2016.

¹²⁰ Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*.

¹²¹ Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Gaborit, Mauricio, Zetino Duarte, Mario, Orellana, Carlos Iván, and Brioso, Larissa, *El Salvador*, Universidad Centroamericana "José Simeón Cañas," p.174-175, in *Childhood and Migration in Central and North America: Causes, Policies, Practices, and Challenges*, Center for Gender & Refugee Studies and Universidad Nacional de Lanus, Feb. 2015.

¹²² Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Martinez, Oscar, *Driving Across the Borders of El Salvador's Gang Territory*, InSight Crime, Jan. 11, 2016.

¹²³ Martinez, Carlos, *El Salvador: More Weapons, More Recruits, More Chaos*, InSight Crime, Sep. 29, 2015.

¹²⁴ *El Salvador 2015 Crime and Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, May 20, 2015.

¹²⁵ Lohmuller, Michael, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, InSight Crime, p.5, 2015.

¹²⁶ *Evaluación del país a finales de 2014*, Instituto Universitario de Opinión Pública (IUDOP), p.3, Dec. 9, 2014.

The Salvadoran government has responded to increasing gang violence and threats—intended by gangs to force the government to engage in negotiations—“by ratcheting up security measures and hardening its rhetoric towards the gangs,” including via public statements which essentially gave police a proverbial “green light” to shoot at gang members.¹²⁷ During 2015, there were various reports by Salvadoran media outlets concerning the alleged participation of members of the security forces in extrajudicial executions and death squads targeting suspected gang members.¹²⁸ Between June 2014 and May 2015, the Attorney General's Office for the Defense of Human Rights received nearly 1,400 complaints against the police for alleged human rights violations.¹²⁹

Public opinion surveys and interviews demonstrate that many Salvadorans have little confidence in the police. According to a 2014 survey, nearly 60% of Salvadorans believe that all or some police are involved in crime, while over 77% of Salvadorans feel that an internal purge of the police force is very urgently needed.¹³⁰ Per a 2013 survey, 70% of crime victims did not report the incident to the authorities; 7 out of 10 of these individuals did not report a crime because “they distrusted the system, either because they consider it was ineffective, or because they were offered no protection against possible reprisals from their attackers.”¹³¹ In December 2015, the Salvadoran government announced that the National Civil Police (PNC) had detected over 200 cases of attempted criminal infiltration.¹³² In gang controlled neighborhoods, many residents do not talk to the police due to threats from gangs and a fear of retaliation.¹³³

Gender-based violence, including domestic violence, rape, and sexual crimes against women, is widespread and represents a significant problem.¹³⁴ A 2012 study found that El Salvador has the highest rate of femicide—the killing of women—in the world.¹³⁵ According to a report published by the Center for Gender and Refugee Studies, cultural attitudes in El Salvador make it socially acceptable for men to violently punish women for violating gender roles or disobeying male relatives; types of punishment include emotional abuse, deprivation of personal autonomy, and physical and sexual violence.¹³⁶ The rate of sexual abuse against women in El Salvador is high, and

¹²⁷ Lohmuller, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, p.11-12; Valencia Caravantes, Daniel, *Wanted: Police Willing to Go to War in El Salvador*, InSight Crime, Feb. 10, 2015.

¹²⁸ Gagne, David, *El Salvador Police Chief Targets Rising Gang Violence*, InSight Crime; Daugherty, *El Salvador is Most Violent Nation in Western Hemisphere*; Stevens, Elijah, *Death Squads in El Salvador Kill, Face No Investigation: Report*, InSight Crime, Nov. 10, 2015.

¹²⁹ Lohmuller, Michael, *El Salvador Security Forces Behind 90% of Reported Abuses: Official*, InSight Crime, Dec. 10, 2015.

¹³⁰ Romero, Fernando, *Encuesta del IUDOP refleja reprobación para el Gobierno*, La Prensa Gráfica (El Sal.), Jan. 7, 2016.

¹³¹ Aguilar, Jeannette, *The Perception of Security and Confidence in Public Institutions: Baseline for the Partnership for Growth Joint Country Action Plan*, IUDOP, p.69-70, Mar. 2013.

¹³² Stevens, Elijah, *Criminal Groups Infiltrated El Salvador Security Forces: Official*, InSight Crime, Dec. 15, 2015.

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

¹³⁴ *Country Reports on Human Rights Practices for 2014: El Salvador*, U.S. Department of State, 2015.

¹³⁵ *Femicide: A Global Problem*, Small Arms Survey, Number 14, Feb. 2012.

¹³⁶ Gaborit, et. al, p.177-178.

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“female children and adolescents face twice the rate of sexual abuse as do adult women.”¹³⁷ Both domestic violence and rape are underreported.¹³⁸

¹³⁷ Ibid, p.180.

¹³⁸ *Country Reports on Human Rights Practices for 2014: El Salvador*.

THE SECRETARY OF STATE
WASHINGTON

January 12, 2016 2016 FEB -3 PM 1:44

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

Dear Mr. Secretary:

I am writing to recommend you extend Temporary Protected Status (TPS) for El Salvador. TPS was granted to El Salvador effective March 9, 2001, due to the environmental disaster caused by a series of earthquakes and aftershocks, and is currently set to expire on September 9, 2016, unless extended. The Department of State has evaluated El Salvador's current conditions to help inform your decision regarding an extension of this designation. Based on our assessment, El Salvador continues to suffer from the residual effects of the earthquakes, and subsequent disasters have compounded the country's fragility and caused substantial setbacks to infrastructure, recovery, and development since the earthquakes. El Salvador continues to be unable to handle adequately the return of the approximately 204,000 Salvadorans who currently benefit from TPS in the United States.

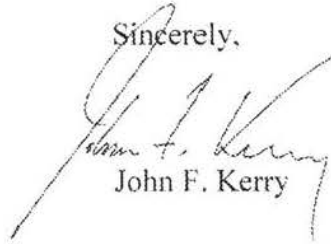
Most recently, El Salvador is suffering from the effects of a strong regional drought, caused by the El Niño phenomenon, combined with colder-than-average water temperature in the Atlantic Ocean, and the country is the driest it has been in 35 years. Coffee production for the 2015/2016 harvest is projected to be 30 percent lower than the previous season, and the U.S. Department of Agriculture expects next year's harvests to be the smallest in 80 years. According to the Salvadoran Chamber of Small and Medium Agricultural Producers, the current drought is projected to cause more than \$400 million in losses when factoring in livestock and vegetables, in addition to the staples of corn, beans, coffee, and sugar cane. As a result, subsistence farmers face malnutrition and pressure to migrate to other areas.

The fiscal, unemployment, and security situations in El Salvador remain poor, and El Salvador already faces difficulties in absorbing returning nationals. Adding the current TPS holders from the United States into El Salvador's economy at this time could exacerbate levels of poverty, food insecurity, and the population's vulnerability generally.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "John F. Kerry", is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

John F. Kerry

Enclosure:

As stated.

SENSITIVE BUT UNCLASSIFIED

**Department of State Assessment
Regarding Extension of the Designation of
Temporary Protected Status for El Salvador**

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?**

Not Applicable.

B. *Environmental Disaster*

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

Yes, El Salvador experienced a series of earthquakes and aftershocks in early 2001.

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

Yes. The substantial, but temporary, disruption of living conditions in El Salvador which prompted the designation of El Salvador for Temporary Protected Status (TPS) persists.

While progress has been made in repairing physical damage caused by the 2001 earthquakes, subsequent environmental disasters, infrastructure challenges, El Salvador's weak macroeconomic environment, high rate of unemployment, and poor security situation have led to the continued disruption in living conditions.

Many of the adverse conditions caused by the 2001 earthquakes continue to exist in the affected areas and since then El Salvador has experienced constant infrastructure challenges. Many of the 340,000 homes destroyed in the 2001 earthquakes still have not been rebuilt. Habitat for Humanity analyzed the Government of El Salvador's housing data and concluded the

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country now faces a housing deficit of 630,000 houses, equivalent to 51 percent of the country's population living in inadequate housing.

Subsequent environmental disasters since the 2001 earthquakes have caused significant damage to infrastructure, disrupting recovery efforts from the 2001 earthquakes. In 2005, Tropical Storm Stan caused widespread flooding, landslides, and destruction of homes and crops throughout the country. A series of earthquakes in western El Salvador in 2006 resulted in the temporary displacement of 2,000 families. Storms in 2009 (Ida) and 2010 (Agatha) killed more than 200 people and left 78 people unaccounted for, damaged more than 1,500 houses, and affected 120,000 Salvadorans. Severe infrastructural damage amounted to \$343 million, of which more than half was related to roadways and bridges. In October 2011, Tropical Depression 12-E brought 10 days of heavy rain to El Salvador. The storm caused a Salvadoran government-estimated \$840 million in damage; it flooded 20,000 homes, damaged 18 roads and 21 bridges, and resulted in heavy agricultural losses. These three storms caused an estimated \$1.3 billion in damages, a figure equal to five percent of the country's total GDP in 2012. In December 2013, the eruption of the Chaparrastique volcano located in eastern El Salvador forced thousands of people within a two-mile radius to evacuate their homes.

In 2015, the Pacific "El Niño" phenomenon combined with colder-than-average water temperature in the Atlantic Ocean to decrease precipitation to historic lows. Situated squarely in the "dry corridor," El Salvador has been hit the hardest and is the driest it has been in 35 years. For the month of September 2015, average rainfall nationwide was 179 millimeters – only 58 percent of normal rainfall. Coffee production in El Salvador for the 2015/2016 harvest is projected to be 30 percent lower than the previous season. The U.S. Department of Agriculture expects next year's harvests to be the smallest in 80 years, due to the continuing effects of climate change and coffee rust. According to the Salvadoran Chamber of Small and Medium

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Agricultural Producers, the current drought is projected to cause more than \$400 million in losses when factoring in livestock and vegetables, in addition to the traditional staples of corn, beans, coffee, and sugar cane. As a result, subsistence farmers face malnutrition and the pressure to migrate to other areas. These environmental disasters, as well as others not detailed, have caused substantial setbacks to infrastructure, recovery, and development since the 2001 earthquakes.

A lack of potable water and electricity remain serious problems. More than 10 percent of El Salvador's total population, mostly in rural areas, still lacks access to potable water. Water contamination and shortages are of particular concern in the San Salvador metropolitan area, threatening human consumption and productive activities as well as generating conflicts among users. According to the Ministry of Environment, only five percent of El Salvador's surface water is considered treatable for drinking purposes. El Salvador's 59 principal wetlands areas have been degraded and polluted by solid waste, untreated waste water, agrochemicals, and unsustainable resource extraction practices. Currently, 93 percent of residential waste water is discharged into a water body without any treatment and the seven percent that undergoes treatment does not comply with the minimum standards established by government regulations.

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

Yes. El Salvador remains unable, temporarily, to adequately handle the return of its approximately 204,000 nationals who live in the United States under TPS.

El Salvador's economy continues to experience significant challenges. Most analysts expect El Salvador's GDP to grow 2.0 to 2.4 percent, approximately half the rate of its regional neighbors. Likewise, El Salvador's foreign direct investment (FDI) has significantly lagged behind the rest of the region. While neighboring countries averaged well over \$1.3 billion of FDI, El Salvador attracted only \$275 million of FDI in 2014. Almost a third of all Salvadorans (31.9 percent)

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continued to live in poverty in 2014, according to the General Directorate of Statistics and Census from the Ministry of Economy. El Salvador is also facing fiscal challenges. The government's fiscal deficit has remained high, at \$1 billion annually, or four percent of GDP. Total public debt has increased more than 60 percent over the past 10 years to \$ 25.2 billion, equal to 62.4 percent of GDP. These rising levels of indebtedness and lack of outside financing options have challenged the government's ability to satisfy basic recurring obligations. Although El Salvador's formal unemployment figures have stayed stable in recent years at between six and seven percent, it is estimated that around a third of the country's work force is underemployed – or unable to find full-time work. In light of the highly problematic economic situation, a large influx of returning nationals at this time would overwhelm the labor market and the government's fiscal ability to extend basic services to its nationals.

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

Yes. The Government of El Salvador has consistently raised the issue of extending TPS since its original request in 2001 and has continued to raise the matter since the last extension in January 2015. The Salvadoran government sees TPS as a very important program as it pursues efforts to recover infrastructure and economic activity in light of past disasters as well as improvement in its security situation.

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?

Not Applicable.

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?

Not Applicable.

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II. Discretionary Factors

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

El Salvador is experiencing a serious security situation, as criminal gangs appear to be fracturing into multiple groups which compete for territory, and have increasingly responded with armed violence against police and other security forces that attempt to limit their activity. Public security remains the top concern of Salvadoran citizens. A total of 6,086 homicides were committed in El Salvador between January 1 and December 1, 2015, an average of 18 homicides per day. According to the Coroner's Office (or Institute of Legal Medicine), 2015 would be the most violent year in the country's history with a projected total of 6,600 murders. This is an alarming increase from 2014 when the country suffered 3,932 murders. Levels for other crimes such as extortion and robbery remain high, and the government continues to struggle to respond adequately to crime. A national survey conducted by La Prensa Grafica, a Salvadoran daily newspaper, in November 2015 indicated 71.2 percent of Salvadorans think the main problem in the country is insecurity and 12.8 percent of Salvadoran families have been touched by crime in the past three months. The National Civilian Police suffer from insufficient staffing, corruption, and inadequate training. The judicial system is also very weak, with a criminal conviction rate of less than 10 percent, and high levels of corruption, creating an environment of impunity. Insecurity has been identified as a major constraint to economic growth. Insecurity due to gang violence and threats is the primary reason, as reported by news daily El Diario de Hoy, for an increasing number of internally displaced persons, along with economic factors, for which the Government of El Salvador is hard pressed to provide specialized services. A large influx of returning nationals would exacerbate this currently difficult security situation.

III. Recommendation

For the reasons stated above, the Department recommends TPS be extended for El Salvador for 18 months.

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Addendum to the Department of State Recommendation Regarding Extension and Re-designation of Temporary Protected Status (TPS) for El Salvador

May 2016

This is an update as of May 2016. El Salvador continues grappling with the substantial, but temporary, disruption of living conditions caused by a series of natural disasters in 2001. The sustained drought caused by the ongoing El Niño, which followed successive years of poor rainfall in some areas, has left many poor households reliant on limited labor opportunities to fulfill food needs. Situated squarely in the “dry corridor,” El Salvador is the driest it has been in 35 years, reducing the output of Salvadoran farmers and placing hundreds of thousands of citizens at stressed or crisis food security status. Coffee production in the 2016 harvest is projected to be 30 percent lower than the previous season, constituting a record-low harvest and continuing a long-term downward trend in Salvadoran coffee exports. According to the Famine Early Warning System, the number of people in crisis is expected to increase until August 2016, particularly in eastern El Salvador.

The drought has also exacerbated El Salvador’s chronic water shortage issues. Over 10 percent of El Salvador’s total population, mostly in rural areas, lacks access to potable water. Water contamination and shortage are also of particular concern in the San Salvador metropolitan area, threatening human consumption and productive activities as well as generating conflicts among users. In March 2016, extortion demands from gangs caused an almost weeklong temporary bottled water shortage and halting of some water deliveries in San Salvador. Insecurity and water shortages have contributed to increased inflation, which is generally low due to El Salvador’s dollarized economy.

In 2015, a total of 6,657 homicides were reported in El Salvador – an annual rate of 104 per 100,000 citizens – giving the country the dubious distinction of having the highest homicide rate in the world (excluding countries in war zones). Gangs have increased their attacks on government security personnel. In 2015 alone, 62 police and 24 military officials were murdered. Hampered by limited financial resources, the government continues to struggle to respond adequately to crime, and there is little confidence the security situation will improve in the short-term.

Insecurity is also a major constraint to economic growth. According to a study released in April 2016 by El Salvador's Central Bank and the UN Development Program, Salvadoran citizens paid \$756 million in extortion payments to gangs in 2014, representing about three percent of GDP. The study estimates the total cost of violence, including the amount households spend on extra security and the lost income of people deterred from working, is nearly 16 percent of GDP, the highest level in Central America.