

# **EXHIBIT 134**

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DEPARTMENT OF STATE RECOMMENDATION REGARDING  
DESIGNATION/REDESIGNATION OF TEMPORARY PROTECTED STATUS (TPS)  
FOR EL SALVADOR – 2017

**I. Statutory Basis for Designation****Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?**

(U) No, the conditions under which El Salvador was designated for Temporary Protected Status (TPS) continue to exist. Attorney General John Ashcroft designated El Salvador for TPS on March 9, 2001, on the basis of environmental disaster. The original designation reads “El Salvador suffered a devastating earthquake on January 13, 2001, and experienced two more earthquakes on February 13 and 17, 2001. Based on a thorough review by the Departments of State and Justice, the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is unable, temporarily, to handle adequately the return of its nationals” (66 FR 14214). Subsequent Attorneys General and Secretaries of Homeland Security have extended the TPS designation for El Salvador eleven times; the most recent extension was effective September 10, 2016, and expires on March 9, 2018. This extension cited not only the 2001 earthquakes, but subsequent natural disasters and environmental challenges, including: (1) hurricanes and tropical storms; (2) heavy rains and flooding; (2) volcanic and seismic activity; (3) an ongoing coffee rust epidemic; (4) a prolonged regional drought that was impacting food security; and (5) an outbreak of mosquito-borne illnesses, all of which have slowed recovery from the 2001 earthquakes. It also noted El Salvador’s serious economic and security challenges (81 FR 44645).

(SBU) El Salvador has never fully recovered from the effects of the 2001 earthquakes, and subsequent environmental disasters have further slowed recovery exacerbated the economic and security challenges the country is facing, undermining the ability of the government to handle adequately the return of its nationals. Most recently, in 2016, El Salvador declared a drought emergency after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters. We assess that there continues to be a substantial disruption of living conditions caused by environmental disaster, including the 2001 earthquakes, and that El Salvador remains temporarily unable to handle adequately the return of its nationals. For these reasons, we recommend that the Acting Secretary of Homeland Security extend the TPS designation for El Salvador on the basis of environmental disaster.

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

(U) No.

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

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(U) N/A.

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

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

**a. If so, did this result in a substantial, but temporary, disruption of living conditions in the area affected?**

(SBU) Yes. Agriculture accounts for 10 percent of GDP but 20 percent of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

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

(SBU) Yes. El Salvador continues to suffer from serious security and economic challenges, contributing to its inability to handle adequately the return of a large number of TPS beneficiaries – a total of 263,282 Salvadorans, of whom DHS expects 187,626 to re-register if TPS is extended – and potentially their family members, including a significant number of children. Homicide rates in 2016 were the highest in the world outside a war zone and growth the lowest in the region, creating a climate of fear and hopelessness that continues to drive migrants north. In 2016, the United States removed 21,000 Salvadorans while Mexico deported 31,000 Salvadorans, for a total of 52,000 returned to El Salvador. The government cannot provide basic services for these returned nationals and the economy cannot create sufficient jobs to employ them. The deportation of the U.S. TPS population to El Salvador (adding to the total national population of 6.1 million) would result in a concentration of TPS Salvadorans seven times higher than in Haiti, and three-and-a-half-times higher than in Honduras.

(SBU) Crime in El Salvador keeps the country at the top of the list of most violent nations outside war zones. The homicide rate in 2016 was 81 per 100,000, compared to 7 per 100,000 in Nicaragua. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to

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growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61 percent have no children left in Central America. These returnees would need to compete with locals to find scarce jobs in order to support themselves and their families legally. El Salvador does not have adequate social services to keep these families out of poverty. Older returnees, many of whom did not complete a primary school education, would face particular challenges in finding employment in El Salvador. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their younger family members, into the gangs or other illicit employment. In addition, the return of a population of TPS Salvadoran nationals of the magnitude currently residing in the United States – which El Salvador is unable to adequately absorb or employ, and to which it cannot extend basic services – could also accelerate irregular migration.

**3. Has the foreign state officially requested TPS for its nationals in the United States?**

(U) Yes, the Government of El Salvador requested TPS prior to the initial designation. Additionally, El Salvador recently confirmed its desire that its TPS designation be extended. Specifically, on June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

***C. Extraordinary and Temporary Conditions***

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

(SBU) Yes. El Salvador has experienced the highest homicide rate of any country in the world for the past two years (excluding war zones), at 81 homicides per 100,000 inhabitants in 2016. With significant U.S. assistance, the government is working to reassert control in the highest crime municipalities. However, the government needs more time to implement its anti-gang strategies and reduce homicides to below critical levels.

(SBU) The surge in gang violence in El Salvador, and other gang-related crime, drives internal displacement and remains a major driver of migration to the United States. The Internal Displacement Monitoring Centre estimates that nearly 220,000 Salvadorans were forced to flee violence in 2016. This puts the country second in terms of the number of new displacements relative to population size, after Syria.

(SBU) Fear of crime also keeps many immigrants from returning to El Salvador, even if they have the economic means to support themselves. Parents in many communities in El Salvador fear that boys may be targeted for gang recruitment and girls may be forced into sexual relations

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with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs. The Salvadoran teachers' union on January 13 reported that 60,000 students (or 5 percent of the student population) did not register for the 2017 school year, most likely due to fear of gang recruitment or that their children could be in danger crossing the boundaries of gang territory. U.S.-born American citizen children of TPS recipients would be particularly vulnerable to security threats, as well as challenges registering for basic services upon their return to El Salvador.

**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?**

(SBU) No. The U.S. national interest in El Salvador continues to be fighting transnational crime and reducing illegal migration through improving security, promoting prosperity, and strengthening institutions. While those lines of efforts have begun to bear fruit, including in the falling homicide rate, an influx of a large number of deportees (somewhere between 263,282 total beneficiaries and 187,626 expected re-registrants) and others could overwhelm our efforts and endanger those objectives. Permitting Salvadorans to remain temporarily in the United States would be in the national interest because it would give the Salvadoran government time to continue implementing security and other policies that could improve conditions on the ground.

(SBU) The Salvadoran government also cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 12.2 metric tons of cocaine – more than five times the amount seized the previous year; El Salvador has been particularly active on maritime seizures of illegal narcotics. Much of this effort centers on the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals wanted to the United States has been another example of ongoing cooperation. More recently, the government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the rapid movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The deportation of the TPS population in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

**II. Discretionary Factors**

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

(SBU) The Salvadoran government currently works closely with DHS to facilitate the deportation of Salvadorans to the United States – accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has also demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

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### **III. Recommendation**

(SBU) The conditions in El Salvador that justified the designation of El Salvador for TPS on the basis of environmental disaster continue to be met. In addition, extending TPS for El Salvador is in the U.S. national interest. A sudden termination of TPS for El Salvador would further undermine the country's ability to absorb returnees. The drivers of illegal migration remain acute, but there is a path to address them. However, the government of El Salvador needs more time with the assistance of the United States and other international partners to make sustainable gains. Further, a termination of TPS could undermine U.S.-Salvadoran efforts on a range of issues of mutual concern and fighting transnational criminal organizations, such as MS-13. Based on these factors, we recommend that the Secretary of Homeland Security extend the TPS designation for El Salvador on the basis of environmental disaster.

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