

## Temporary Protected Status (TPS): An overview

A key principle in U.S. immigration policy is that we will not return migrants to a country where their life or freedom would be threatened. The U.S. can provide safe haven on an individual basis, as asylum or refugee status for those fleeing persecution, or on a blanket basis, for humanitarian reasons.

Temporary Protected Status (TPS) is a form of blanket protection established under the Immigration and Nationality Act of 1990 (INA). The Secretary of Homeland Security can provide TPS to citizens of a country for 6 to 18 months at a time if there is serious armed conflict; if the country's government requests TPS because it temporarily can't handle the return of its people due to an environmental disaster; or if "extraordinary and temporary conditions" would prevent migrants from returning home. If at the end of that period, conditions have not improved, TPS can be extended, as many times as needed.<sup>1</sup>

Only people who were already in the U.S. at the initial time of TPS designation can qualify. **TPS recipients are not on a track to permanent residency or citizenship.** Indeed, if TPS is denied or ends, the information provided in migrants' TPS applications can be used to deport them.

### Who is covered by TPS?

Current data from U.S. Citizenship and Immigration Services (USCIS) have been difficult to obtain, but we now know that in calendar year 2016, USCIS approved a total of **439,625** TPS applications from citizens of 10 countries; after subtracting the numbers for Guinea, Liberia and Sierra Leone, whose TPS has since expired, that leaves **435,048**. For Massachusetts, using the same approach, we count **12,326** TPS holders.

Country	Latest designation date	Current expiration date	Total U.S.	Total Mass.
El Salvador	March 9, 2001	March 9, 2018	263,282	6,058
Haiti	July 23, 2011	January 22, 2018	58,706	4,735
Honduras	January 5, 1999	July 5, 2018	86,163	834
Nepal	June 24, 2015	June 24, 2018	12,967	513
Nicaragua	January 5, 1999	January 5, 2019	5,349	17
Somalia	September 18, 2012	September 17, 2018	497	1
South Sudan	May 3, 2016	May 2, 2019	49	2
Sudan	May 3, 2013	November 2, 2018	1,039	3
Syria	October 1, 2016	March 31, 2018	6,177	153
Yemen	March 4, 2017	September 3, 2018	819	10
<b>TOTAL</b>			<b>435,048</b>	<b>12,326</b>

Sources: Dates – USCIS website; total U.S., personal communication from Sharon Scheidhauer, USCIS public affairs officer, Nov. 9, 2017; Mass. numbers from USCIS, as reported to U.S. Senator Edward J. Markey's office in May and November 2017. All numbers reflect approved TPS applications in calendar year 2016.

It is important to note that these numbers are considerably higher than estimates from the Center for American Progress that have been widely circulated.<sup>2</sup> And as the designation dates would suggest, these are not recent arrivals. Salvadoran TPS holders in Massachusetts have lived in the U.S. for an average of **22 years**, and Haitian TPS holders, for an average of **15 years**.<sup>3</sup> Many have U.S.-born children who are now in high school or college and have little, if any, connection to their parents' countries of origin.

TPS holders are also fully integrated in the Massachusetts economy. Salvadorans play a key role in food and hospitality especially; Haitians are a key part of the health care work force. Without TPS holders from Haiti and Central America, the state economy would lose an estimated \$646 million per year.<sup>4</sup> Both the U.S. Chamber of Commerce and the Greater Boston Chamber of Commerce have called for a TPS extension.<sup>5</sup>

## **Why has TPS stretched out for so long for some countries?**

In short, because terrible conditions have persisted, and have even worsened.

The Northern Triangle of Central America – El Salvador, Honduras and Guatemala – is one of the most violent regions in the world. In May, Doctors Without Borders reported that its teams “have witnessed and documented a pattern of violent displacement, persecution, sexual violence, and forced repatriation akin to the conditions found in the deadliest armed conflicts in the world today.”<sup>6</sup> Poverty and natural disasters exacerbate the suffering. Most recently, Tropical Storm Nate killed at least 22 people in Central America and caused massive damage to housing and critical infrastructure.<sup>7</sup>

The persistent suffering in Haiti is also well documented. Recovery from the devastating 2010 earthquake has been very slow, and in 2016, Hurricane Matthew killed hundreds of people and destroyed entire villages. Cholera spread through affected areas and is still affecting thousands of people. The United Nations describes Haiti as still facing “a convergence of humanitarian needs.”<sup>8</sup>

Ending TPS for these countries would force parents to choose between taking their children into dangerous conditions, or dividing their families. Without work permits, families would also be pushed into poverty.

## **What do we do now?**

The Trump administration can choose to extend TPS for all these countries. However, in May, the administration renewed TPS for only 6 months and encouraged beneficiaries to “prepare for their return to Haiti” if TPS was not extended again. Similar advice was given to Sudanese TPS recipients when their TPS was extended until November 2018, and again to Nicaraguans when, on Nov. 6, 2017, their TPS was extended until January 2019. No decision has been made on Honduras, resulting in an automatic 6-month extension until July 2018. An update on Haiti is expected by Nov. 23, and for Salvadorans, by Jan. 8. **MIRA strongly supports extending TPS for all four countries, as a moral and humanitarian imperative.**

Congress can also pass legislation to continue to protect people from these countries and/or to allow long-term TPS recipients to apply for green cards. Two such bills have been introduced, by U.S. Rep. Carlos Curbelo, R-FL,<sup>9</sup> with bipartisan support, and by U.S. Rep. Nydia Velázquez, D-NY.<sup>10</sup> However, under the INA, any bill to adjust the status of TPS recipients must be approved by three-fifths of the U.S. Senate.

*This factsheet was written by Marion Davis. It was last updated on Nov. 9, 2017.*

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<sup>1</sup> For a detailed explanation, see Argueta, C.N. (2017). *Temporary Protected Status: Current Immigration Policy and Issues*. Congressional Research Service. <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

<sup>2</sup> Prchal Svajlenka, N., A. Bautista-Chavez, and L. Muñoz Lopez (2017). *TPS Holders Are Integral Members of the U.S. Economy and Society*. Center for American Progress. <https://www.americanprogress.org/issues/immigration/news/2017/10/20/440400/tps-holders-are-integral-members-of-the-u-s-economy-and-society/>.

<sup>3</sup> CAP Immigration Team (2017). *TPS Holders in Massachusetts*. Center for American Progress. [https://cdn.americanprogress.org/content/uploads/2017/10/19130146/101717\\_TPSFactsheet-MA.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130146/101717_TPSFactsheet-MA.pdf).

<sup>4</sup> CAP Immigration Team (2017).

<sup>5</sup> See <https://www.uschamber.com/letter/letter-dhs-urging-the-extension-temporary-protected-status-el-salvador-honduras-and-haiti> and <http://www.seiu32bj.org/press-releases/massachusetts-labor-business-and-immigrant-justice-leaders-decry-tps-cancellation-for-nicaragua/>.

<sup>6</sup> Doctors Without Borders (2017). *Forced to Flee Central America's Northern Triangle: A Neglected Humanitarian Crisis*. <http://www.doctorswithoutborders.org/article/report-forced-flee-central-americas-northern-triangle-neglected-humanitarian-crisis>.

<sup>7</sup> ACT Alliance (2017). *Tropical Storm Nate in Central America*. <https://reliefweb.int/report/nicaragua/act-alliance-alert-tropical-storm-nate-central-america>.

<sup>8</sup> UNICEF (2017). *Haiti: Humanitarian Situation Report October 2017*. <https://reliefweb.int/report/haiti/haiti-humanitarian-situation-report-october-2017>.

<sup>9</sup> See <https://curbelo.house.gov/news/documentsingle.aspx?DocumentID=1723>.

<sup>10</sup> See <https://velazquez.house.gov/media-center/press-releases/key-members-congress-move-preserve-tps-protect-immigrants>.