



# Temporary Protected Status: A Vital Piece of the Central American Protection and Prosperity Puzzle

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## Report of the Committee on Migration of the United States Conference of Catholic Bishops

### TRIP DELEGATION

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### Introduction

A delegation from Migration and Refugee Services of the U.S. Conference of Catholic Bishops (USCCB/MRS) traveled to Honduras and El Salvador from August 13-19, 2017, to examine conditions in both countries related to the possible return of its nationals who are current Temporary Protective Status (TPS) recipients in the United States. The visit was conducted with a view towards gathering information relevant to the U.S. government's upcoming decision regarding TPS for those two countries.

Most Reverend David O'Connell, Auxiliary Bishop of Los Angeles, California and member of the USCCB Committee on Migration (USCCB/COM) led the delegation in Honduras. The delegation also included staff from USCCB/MRS: Ashley Feasley, Director of Migration Policy and Public Affairs, Katie Kuennen, Associ-

ate Director of Children's Services, and Matthew Wilch, Refugee Policy Advisor. Most Reverend Joe S. Vásquez, Bishop of Austin, Texas and Chairman of the Committee on Migration as well as Father Juan J. Molina, O.S.S.T., Associate Director of the USCCB Office of National Collections and Director of the Collection for the Church in Latin America joined the delegation in El Salvador.

TPS is a temporary, renewable, and statutorily authorized immigration status that provides employment authorization and protection from deportation for designated groups of immigrants from countries experiencing temporary environmental, armed conflict, or other extraordinary conditions.<sup>1</sup> TPS was included in the Immigration Act of 1990 and was signed into law by President George H.W. Bush on November 29, 1990.<sup>2</sup>

Currently, large groups of nationals from El Salvador and Honduras that live in

the United States have TPS, and the U.S. government will soon decide whether to continue that protection. It is estimated that there are approximately 187,000<sup>3</sup> - 204,000<sup>4</sup> current TPS recipients from El Salvador living in the United States. The current TPS designation for El Salvador is set to expire on March 9, 2018,<sup>5</sup> and the Department of Homeland Security (DHS) Secretary needs to decide whether to extend or cancel the designation by January 8, 2018 to comply with the statute's notice requirements. It is estimated there are approximately 57,000<sup>6</sup>- 61,000<sup>7</sup> current TPS recipients from Honduras living in the United States. Honduras's TPS designation extends through January 5, 2018, and the DHS Secretary needs to decide to extend or cancel the designation by November 6, 2017.<sup>8</sup>

The USCCB/MRS delegation traveled to El Salvador and Honduras to express solidarity with our brothers and sisters currently under TPS protection, to assess the potential human security issues for them, and to assess the capacity of both of their nations to adequately return and integrate them if their TPS is not renewed. The delegation first visited Honduras to speak with U.S. and Honduran government officials, Catholic leaders, Catholic service providers, civil society and the United Nations High Commissioner for Refugees (UNHCR). Delegation members had the opportunity to speak with families and youth, some of whom have relatives with TPS, and others who had recent migration experiences and perspectives on current repatriation and integration services. The delegation subsequently travelled to El Salvador to collect information and assess the local conditions, including the capacity for the nation to reabsorb large numbers of returned nationals. In addition, the delegation heard updates on vulnerable mobile populations, the current situation of violence in communities, and related forced displacement.

USCCB/MRS's deep concern about individuals with TPS is rooted in its experience as an immigrant church in an immigrant nation and in Catholic social teaching on migration. God calls upon his people to care for the alien, whom others marginalize, because of their own experience as aliens: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17-19). Jesus was forced to flee his home, and identifies himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me" (Mt. 25:35). In modern times, popes over the last 100 years have continued to develop the Church's teaching on migration, teaching that has been frequently applied by church leaders. Pope Pius XII reaffirmed the Catholic

Church's commitment to caring for pilgrims, aliens, exiles, refugees, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>9</sup> Pope Francis provides recent guidance regarding such situations, saying, "Collective and arbitrary expulsions of migrants and refugees are not suitable solutions, particularly where people are returned to countries which cannot guarantee respect for human dignity and fundamental rights."<sup>10</sup>

The following report details the delegation's findings and recommendations.

## Overview

- A. *Honduras: A Fragile State and Strategic Ally That Is Progressing but Currently Lacks Sufficient Citizen Security, Protection Systems for Children and Displaced Populations, or Reintegration Capabilities to Adequately Handle Return of Nationals with TPS.*

Honduras is a fragile state and strategic U.S. ally whose recent legislative, child welfare, and police reforms have been met with cautious optimism. However, despite important but incremental advances, Honduras is currently not equipped to deal with a large-scale return and reintegration of TPS recipients living in the United States. Honduras, the size of the state of Tennessee with just over 9 million people,<sup>11</sup> has many close ties to the United States, including some 599,000 Hondurans living in the United States.<sup>12</sup>

During this assessment of conditions in Honduras and its readiness for possible return of large number of nationals, the delegation found the governmental capacity to address child migration at the national level to be improved from the systems that were in place when the USCCB/MRS delegation visited in 2013.<sup>13</sup> This and other efforts by the Honduran government are promising. For example, the Honduran government has codified new migration protection laws, such as the Law to Protect Honduran Migrants and Their Families,<sup>14</sup> and has enacted a new Migrant Child Protection Office, Dirección de Niñez, Adolescencia y Familia (DINAF), which appears to be more efficient and protection-focused in its work than the previous office, Instituto Hondureño de la Niñez y la Familia (IHNEFA). These improvements may be one of the positive reasons for the reductions of the number of unaccompanied Honduran children who are apprehended at the U.S./Mexico border by DHS. Apprehensions decreased from a high in Fiscal Year 2014 of 18,244 Honduran children to 10,468 children

apprehended in Fiscal Year 2016.<sup>15</sup> Additional evidence of progress, this time on citizen security, can be seen in the marked reduction in the national homicide rate since 2014, by over 30%. Additionally, the current President Juan Orlando Hernández Alvarado and First Lady Ana Rosalinda García Carias de Hernández have created a task force consisting of seven institutions that are focused on the reduction of irregular migration flows. These are all systemic improvements related to migrant protection that should be noted, commended, and built upon.

However, despite these initial improvements to fundamental protection systems and the creation of the task force, larger issues exist for the Honduran government and Honduran society. Even as the government improves the systems, the number of people needing the protection systems and access to services continues to expand. Annually, Mexico and the United States already return approximately 70,000 migrants to Honduras. Moreover, at least 174,000 individuals in need of protection and integration remain forcibly displaced within Honduras, and it was clear to the delegation that the government does not yet have the capacity to provide civilian security and protection for the internally displaced and recently returned individuals. Thus, despite making strides in systematizing repatriation efforts for individually returned nationals, particularly children, adding the return of a large group of Hondurans who were formerly TPS recipients would be a tremendous challenge for the government. The delegation saw no evidence of capacity for sustained integration for a large group of TPS recipients as there are no large-scale integration services, systems or programs currently in existence. In the event TPS is rescinded, the notable small advancements that have

been achieved are at risk of being undermined, governmental systems in place would be overwhelmed and the current displacement problem would be greatly exacerbated.

The need for further development of Honduran government systems in protection and repatriation is not the only obstacle to adequately protecting and sustainably integrating TPS recipients returning from the United States. Economic, citizen security, and governance-related root causes of forced displacement and forced migration remain major problems, even though some progress has been made. One notable factor is the persistent violence that permeates daily life in Honduras and the related lack of livelihood opportunities. While Honduran government officials spoke consistently to the delegation about the improvements that President Hernández Alvarado had made through purging the national police, creating anti-corruption tribunals, and strengthening the Ministry of Public Security, all parties the delegation interviewed mentioned social violence in communities as a consistent threat and obstacle to greater stability, protection, and integration of nationals.

Due to continued financial and citizen insecurity, the Honduran economy and Honduran citizens rely increasingly on remittances sent back from its nationals abroad, including from TPS recipients living in the United States. As Honduras is the second poorest country in Central America, with an annual per capita income of \$4,869, the remittances that are sent back to family members living in Honduras are vital for current economic prosperity for many.<sup>16</sup> In 2013, Honduras received \$3,098 million in remittances, and in 2015, that number increased to \$3,719 million.<sup>17</sup>

It is estimated that in 2014, remittances to Honduras made up 17.4% of GDP.<sup>17a</sup> In meeting with government officials, the Honduran government estimated that remittances comprised 11% of the GDP.<sup>18</sup> Much of these remittances return to the United States as Honduras imports many goods from the United States.

Continuation of TPS is vital to the continued stability, future prosperity, and humanitarian well-being of Honduras and the region. TPS was first designated for Hondurans on January 5, 1999, following the destruction wreaked upon the country by Hurricane Mitch.<sup>19</sup> Subsequent administrations have extended TPS for Honduras, with the latest extension issued May 16, 2016.<sup>20</sup> Then



DHS Secretary Johnson determined that an extension was warranted because conditions in Honduras supporting the designation continued to be met, as there was substantial but temporary disruption in living conditions in Honduras because of environmental disaster. Secretary Johnson also determined that Honduras continues to be unable temporarily to adequately handle the return of its nationals who are living in the United States.<sup>21</sup>

*B. El Salvador: An Important U.S. Government Partner Challenged by Internal Displacement, and Citizen Security, Which Undermine the Government's Ability to Adequately Address the Returning of the Extremely Large TPS Population.*

El Salvador likewise shares a deep historical, political, economic, and familial bond with the United States. Indeed, approximately 1.9 million Salvadoran immigrants live in the United States now,<sup>22</sup> the second-largest foreign-born Hispanic population in the United States behind Mexico. Correspondingly, the number of TPS recipients from El Salvador (ranging from 187,000- 210,000) living in the United States is the largest group of TPS recipients. Salvadoran nationals send to El Salvador remittances that represent close to 18% of the GDP of the country, making these funds important for the economy and trade, especially with the United States.

El Salvador, a country the size of New Jersey, with a population of just over six million,<sup>23</sup> has been able to develop stronger systems than Honduras to evaluate and understand the identity and needs of the Salvadoran TPS population. Nonetheless, the large size of the TPS population and the extreme protection and security issues apparent in El Salvador render the government unable to adequately handle the return of its nationals now. In the case of El Salvador, extension of TPS is especially vital to ensure progress of important security initiatives and continued growth in the economy as it is an important regional commercial partner of the United States.

The El Salvadoran government has worked to improve its citizen security and address the violence attributed to gangs and drug trafficking. The government formed a National Council for Citizen Security, which designed an integrated security plan (with support from the U.S. government and the United Nations). In January 2015, the government announced the plan: Secure El Salvador (*El Salvador Seguro*), estimated to cost \$2 billion over five years. It includes (1) violence prevention and job creation initiatives, which account for nearly three-quarters of the funding; (2) increased state presence in the country's 50 most violent mu-

nicipalities, with the goals of improving public spaces, expanding community policing, and increasing student retention in schools; (3) improved prison infrastructure; and (4) increased services for crime victims.<sup>24</sup> The plan has been launched in 26 of the most violent municipalities, and of the 20 municipalities with the highest homicide rates in 2016, 16 had implemented the plan.<sup>25</sup> In 2015, El Salvador posted the world's highest homicide rate, 104 per 100,000 people, but by 2016 that number had decreased to 81 per 100,000 inhabitants.<sup>26</sup>

Additionally, the Salvadoran government has been working collaboratively with the United States in joint migration, information sharing, and security initiatives. In May of 2012, El Salvador became the first country in the world to receive more complete criminal history information on U.S. gang deportees through the FBI's Criminal History Information Program (CHIP). Recently, the Salvadoran government has reaffirmed its commitment to work with the U.S. government to eradicate drug trafficking and fully prosecute and punish gang members.<sup>27</sup>

While these efforts constitute progress, large-scale violence persists in El Salvador. As in 2013, this delegation also found violence to be a pervasive factor mentioned in every interview that was conducted and it was routinely described as an element that permeates most parts of Salvadoran society.<sup>28</sup> Crime, including extortion, seems to be increasing with respect to geographic areas/departments subject to gang-infiltration. Gangs earn millions of dollars by extorting residents, bus drivers, and business owners. Failure to pay often results in harassment, violent reprisals, even murder. The delegation noted that the failure to pay extortion, or "renta," or the refusal of youths to submit to gang recruitment, has increasingly led to retribution against not only the person initially approached, but against family members, resulting in whole families becoming vulnerable to forced internal displacement or forced migration. As discussed later in the report, there are large numbers of internally displaced people with substantial protection issues that would be further exacerbated by the large-scale return of TPS recipients at this time.

Additionally, gang violence in El Salvador can be linked to delayed economic growth indicators. A recent study by the Inter-American Development Bank (IDB) estimated that the costs of crime and violence in El Salvador may reach 5.9% of GDP.<sup>29</sup> El Salvador posted an estimated growth rate of 2.5% for 2016, the lowest rate of any country in Central America. Despite the low growth rate, El Salvador has growing employment needs. It is estimated that El Salvador needs to create approximately 60,000 new jobs a year

to ensure that its very young population (50% of the population is 30 or younger) is employed.<sup>30</sup>

El Salvador is making progress on reducing violence, but does not have the capacity to adequately accept returning TPS recipients, protect them, and facilitate their sustained integration. The violence that is not under control, such as extortion, will likely hamper returnees' economic development by reducing the money they currently earn or by scaring away would-be entrepreneurs. Ending TPS now for Salvadoran nationals would be catastrophic for the country's economy because it would add TPS deportees to the ranks of the unemployed and reduce remittances, which support many families in El Salvador.

As with the Honduran TPS population, but in a more impactful way due to the size of the Salvadoran TPS population, Temporary Protected Status provides an invaluable economic lifeline to El Salvador while ensuring legal compliance with the U.S. immigration system. In 2001, the Bush Administration designated El Salvador for TPS due to multiple earthquakes.<sup>31</sup> Subsequent administrations extended TPS for El Salvador, with the latest extension made on September 10, 2016 and ending on March 9, 2018.<sup>32</sup> Most recently, DHS premised extension of TPS on the argument that Salvadorans present in the country during 2001 still cannot safely return to El Salvador.<sup>33</sup> Specifically, DHS found that there “continues to be a substantial, but temporary, disruption of living conditions in El Salvador resulting from a series of earthquakes in 2001, and El Salvador remains unable, temporarily, to handle adequately the return of its nationals.”<sup>34</sup> As a Catholic organization, USCCB/MRS is concerned that the levels of violence and insecurity (as described more below) in addition to the unresolved service infrastructure and capacity issues, make ending TPS for Salvadorans an unwise and uncharitable decision at this time.

## Findings

### (1) Entire Families, Not Just Children, Currently Face Targeted Violence in Both Countries

In both countries, the delegation consistently heard that while children were still very vulnerable and experienced extreme protection issues, more whole family units were being targeted and more rural areas were experiencing exploitation due to gang violence



and drug trafficking operations.<sup>35</sup>

The Church in both Honduras and El Salvador is experiencing, publicly reflecting on, and responding to the escalation of violence in urban communities, in rural communities, and to family units. In his pastoral letter, “I See Violence and Strife in the City,” Most Reverend José Luis Escobar Alas, Archbishop of San Salvador, stated: “[t]he faithful know that they are being monitored in their comings and goings in the communities. The same applies to pastoral agents who are constantly watched. . . . The exodus of families is heartbreaking . . . It is truly unfortunate and painful that the Church cannot work because of this atmosphere of insecurity and anxiety that shakes our beloved country.”<sup>36</sup> The Archbishop describes one parish alone that in one year was “exposed to murder, persecution, exodus, and extortion,” including the murder of six active parishioners by stabbing, dismemberment, or firearms.<sup>37</sup> In Honduras, Cardinal Óscar Andrés Rodríguez Maradiaga, Archbishop of Tegucigalpa, discussed Church efforts to be a source of healing and new life for children and families at risk, particularly through Catholic schools and pastoral outreach.<sup>38</sup> The Cardinal also noted the moving generosity of the Honduran people, such as the Hondurans in the United States themselves, who sacrifice to send remittances back to family members. On the issue of remittances, Cardinal Rodríguez noted: “it is a touching lifeline and act of love: the poor helping the even poorer.”<sup>39</sup>

In many cases an act of violence directed at a person involves his or her whole family group and breaks down the social fabric of communities, as people are forced to flee with their families. There have been cases where whole communities are targeted and forced from their homes after threats from criminal groups. This targeting of entire families, and the corresponding need for protection of entire families,

is corroborated by what the delegation heard from service providers in both Honduras and El Salvador. In Honduras, both Casa Alianza and Pastoral Care for Migrants, a Catholic collaborative effort led by Scalabrinians in Honduras, reported an increase in families arriving at shelters seeking care. Sister Lidia Mara Silva de Souza, National Coordinator of the Pastoral Care for Migrants, noted many more “total family migration” cases arriving for services and protection.<sup>40</sup> She described this as a situation where one person is persecuted by gangs, but as a result, the whole family often needs to leave to protect the family. Families in shelters had begun to be targeted when youth had inadvertently disclosed the new location of the family through social media, such as Facebook, causing the need for some families to move yet again in search of protection. In these cases, internal relocation within Honduras is preferred rather than leaving the country, if safe options are available, but Sister Lidia noted that such options were very limited and uncertain.

The delegation also met with Catholic service providers in El Salvador, most notably, Father Mauro Verzeletti, a Scalabrinian who operates a large shelter and safe house in downtown San Salvador. Father Mauro discussed the large increase in the number of families that his organization had been receiving in the past 18 months.<sup>41</sup> He described the very scant existing protections for those who fit the profile of TPS recipients, that is, those who would be returning after a long absence from El Salvador who would face threats of violence or had extreme protection needs.

The increase of family-targeted violence is particularly important when discussing the future possibility of return for TPS recipients, as most will return with their families, including spouses or partners and children. One recent survey estimated that at least 86.3% of Salvadoran and Honduran TPS recipients surveyed had at least one child, but on average had two children, and that approximately 40% of the same population was married, and 13% cohabiting.<sup>42</sup> As families increas-

ingly become targets of violence, it is necessary to address the lack of sufficient protection mechanisms for the families currently living in Honduras and El Salvador and work to bolster the system before ending TPS protection. From a U.S. government policy perspective, it is also important to note that many of the younger children born of TPS recipients are U.S. citizens, thus the termination of TPS and return of TPS families would mean U.S. citizens sharing in the risks of return. Such U.S. citizen children, who return with their parents to Honduras and El Salvador due to the end of TPS, could be increased and sought-after targets for extortion and gang violence. If these U.S. citizens were to fall prey to gangs, and even become members in those gangs, and choose to return to the United States as adults they could represent serious challenges to U.S. law enforcement.

## **(2) Large Numbers of Internally Displaced People (IDPs) in Honduras and El Salvador Continue to be Displaced by Violence and Pose Immense, Growing Humanitarian Protection Challenges.**

The delegation learned of the substantial internally displaced persons (IDPs) populations that exist in Honduras and El Salvador, and the difficulties both countries are having providing care for them. In the case of El Salvador, there is the additional problem of even addressing and acknowledging the issue publicly, as displacement was an issue during the civil war. Given the pervasiveness of violence leading to internal displacement in both countries,<sup>44</sup> and the slow progress to address both the root causes and the consequently growing humanitarian challenges, both governments will face severe obstacles to integrating returning TPS recipients from the United States and ensuring that they do not add to the growing IDP population. Such IDP growth would not only undermine the security efforts to quell violence in both countries but would likely also contribute to forced re-migration of TPS returnees back to the United States.

The United Nations Guiding Principles on Internal

### **Maria<sup>43</sup> - Violence Leading to Forced Displacement of a Family**

Maria\* was an altar girl at her church and a good student in school in her Honduran community located right outside Tegucigalpa. A gang moved into the abandoned house next to Maria's family house. The police started surveying the house due to the gang's presence. The gang assumed Maria and her family had complained to the police about their presence. Gang members came over during the day and beat her mother and grandmother while Maria was at school. They turned the music up in the house to drown out the cries as they beat them. Maria's mother and grandmother survived, and the gang then told Maria's father that they had 24 hours to vacate the house. The family immediately moved to a new and equally unsafe neighborhood that an extended relative lived in. Due to the move, Maria had to leave her school and her father had to quit his job, as he feared that the gang would come and find him due to the job's proximity to the old house. Despite some assistance from the Catholic priest from Maria's old parish and NGO organizations, the family had to relocate again and continues to live in extreme fear.

Displacement describe IDPs as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>45</sup> While IDPs do not qualify for the definition of refugee,<sup>46</sup> the IDP population is at similar risk for irregular migration out of country due to extreme vulnerability.

The delegation visited Catholic and other civil society NGO service organizations who serve people affected by violence and forced displacement. Despite their best efforts, all noted the limited capacity to care for IDPs in both countries. In the context of caring for those physically displaced within the country, the organizations interviewed discussed similar stories of attempting to attend to people who frequently leave their homes against their will to save their own and their families’ lives. Many families then must move to another place where they frequently find themselves living in inadequate conditions and suffering deterioration in their family life. Many people who end up being pushed out of their homes due to violence and other displacement factors find themselves caught up in new cycles of vulnerability. As these families have been victimized to the point of being forced to move and be displaced from their homes, they then often struggle to acclimate to new communities that they are living in. Facing hardships relating to finding employment, and securing safety, families begin to feel increasingly desperate to migrate to find better living conditions. As such they begin to look to leave their home countries and migrate internationally in search of protection.<sup>47</sup> Such individuals are often then apprehended during their journey by immigration officials and frequently deported back to their last community, which was not necessarily their own community. These families who experience this phenomenon then find themselves again being internally displaced.

Another issue related to addressing the internally displaced is the lack of existing governmental infrastructure to care for the IDP population. As more families are fleeing from their neighborhoods and becoming displaced, they are effectively abandoning established and regularized lives. They are leaving behind their family, social networks, belongings, property and livelihoods. They face difficulties reintegrating into the labor market, accessing health services and education, and have difficulty obtaining personal documents

such as birth certificates, identity cards, passports, educational and health records. These are the same services that would be overwhelmed if TPS recipients come back to Honduras and El Salvador.

UNHCR estimates that Honduras has 174,000 internally displaced people.<sup>48</sup> A recent study estimates that from 2004 - 2014, approximately 41,000 households within 20 municipalities were internally displaced because of violence or insecurity.<sup>49</sup> Displacement in Honduras does not occur from every community across the country, but instead takes place from certain communities and municipalities. Due to the lack of generalized information about this issue, the Honduran government created the Inter-Agency Commission for the Protection of Persons Displaced by Violence (CIPPDV) in late 2013 to research the issue and promote the creation of policies to prevent forced displacement.<sup>50</sup> The creation of the CIPPDV is a good first initiative by the government. The Honduran government has also begun engagement with UNHCR to make Honduras one of the pilot sites for strengthening the national protection response pursuant to the Comprehensive Refugee Response Framework (CRRF). Discussion and planning have begun, especially focused on IDPs, including some discussions with the Catholic Church. However, the important collaboration continues to be in the initial phases. Additionally, it was clear from conversations with the UNHCR office in Honduras little attention was being paid to how the possible return of thousands of Honduras TPS recipients would negatively impact the protection dynamics in Honduras, including the IDP situation.

While initial progress has been made in Honduras with regards to the government acknowledging the existence of an internal displacement issue related to gang violence, the situation in El Salvador remains more complex and hidden. The continued elements of



violence in El Salvador are forcing many families to be displaced from their places of origin because they fear violence from gangs that dominate rival territories where they live or engage in daily life activities. The gangs in their neighborhood force them to participate in crimes and attempt to recruit their teenagers. Resistance to these demands is often met with escalating threats and violence. As a result, thousands of families are forced to leave their homes.

The Salvadoran government has not yet publicly acknowledged the full extent of the phenomenon of internal displacement, particularly with respect to those who have been displaced due to violence. As a result, there is currently no national strategy or legislative or policy framework in place to comprehensively monitor, address, or respond to internal displacement in El Salvador when such displacement is related to violence or other factors.

This lack of engagement regarding IDPs is especially troublesome at this moment as El Salvador, in 2016, was second in the world in terms of the number of new displacements relative to population size, exceeding countries such as Libya, South Sudan, and Afghanistan.<sup>51</sup> The delegation learned that even the estimated number of IDPs in El Salvador is a contested issue. Estimates range from 220,000 IDPs<sup>52</sup> up to roughly 400,000.<sup>53</sup> With regard to data collection on IDPs, most data are collected by NGOs or international organizations, since there is no government system in place to collect information on IDPs. The delegation learned that certain pilot efforts to collect such data and assist with reintegration programming efforts were implemented in 2014 but were discontinued in 2015.

Recently, the UN Special Rapporteur on Human Rights of Internally Displaced Persons visited El Salvador to investigate the situation. She stated: "... the issue of internal displacement seems to be a hidden and largely publicly unacknowledged challenge in El Salvador. . . . Statistical data and further independent research is vital to reveal the full extent of the problem of internal displacement in El Salvador, including not only the numbers affected but their circumstances, vulnerabilities, and protection issues, in order to begin to find effective solutions for many hidden and anonymous victims."<sup>54</sup> As this issue currently stands, the El Salvadoran government's inability to publicly acknowledge the issue of IDPs who are displaced due to violence prevents larger measures to address protection frameworks from being implemented to assist with this migration phenomenon. While there is initial progress in Honduras to identify and evaluate the number of IDPs and their needs, neither Honduras nor El Salvador has stopped the forced displacement of its current residents. They have neither established

programs to meet their immediate humanitarian and protection needs nor assured that their internal displacement will not lead to international flight. Adding TPS returnees into this dynamic would only lead to more forced displacement, internal instability of both countries, and increased irregular migration back to the United States.

### **(3) Honduras and Salvadoran Governments Do Not Have the Capacity at This Time to Adequately Handle the Return of Their Respective TPS Populations.**<sup>54a</sup>

While previous designations for both Honduras and El Salvador have been made based on varying factors, the current reality is that both Honduras and El Salvador, due to violence, have no capacity to adequately repatriate and achieve sustained integration of TPS recipients at this time in a manner that does not undermine economic stability, create re-migration and perhaps have an impact on regional security.

(A) *Honduras Does Not Have the Existing Framework in Place to Identify and Map TPS Recipients Living in the U.S. or to Identify, and Safely Address Repatriation Needs.*

Currently, the Honduran government has no means of tracking the existing TPS population living in the United States. Admittedly, the Honduran government does not have any extensive data on TPS recipients beyond what has been provided by DHS and by civil society. This is a structural obstacle that undermines the existing ability of the Honduran government to adequately plan for the needs of those to be returned. While the Honduran government is in the process of building a database to collect such information, it will not be complete in the foreseeable future.<sup>55</sup> In an attempt to better collect data of nationals living abroad, the Honduran government is undertaking a huge initiative to roll out and implement an enhanced consular identification card.<sup>56</sup> The consular identification card can be used as a second form of identification for those living in the United States and is being rolled out in partnership with Canada Bank Notes, which currently provides secure identification card services for several U.S. states.<sup>57</sup> While this is an initiative that will help give more information and data for the Honduran government, this process just began on September 23, 2017 and will not be fully implemented in the next year or even in the next 18 months.

Honduran officials also acknowledged that they have little hard data regarding the age of the Honduran TPS population and for which possible forms of legal immigration relief the existing Honduran TPS population may be eligible.<sup>58</sup> The lack of knowledge about what available forms of legal immigration relief could

be available provides a sizeable administrative hurdle to scaling up pro bono or low-cost legal immigration services that could identify possible forms of relief. If such information is collected and assessed it could provide the possibility of relief for tens of thousands of Honduran TPS recipients. However, without that type of information, it is hard to assess or do outreach to the eligible population who may not need to be returned if TPS is cancelled. Additionally, there is a dearth of valuable biographical information about Honduran TPS recipients, including factors like age and language ability. While extensive data about the actual population of Honduran TPS holders is not available, recent research indicates that Honduran TPS holders are likely to be older than both the undocumented population, the immigrant population with permanent legal status, and the U.S. population in general.<sup>59</sup> An older returning population would be problematic and taxing for the very basic health care services available in Honduras. Similarly, the government has no knowledge about the percentage of the population that lives in mixed-status families, has U.S. citizen children, or even speaks Spanish. For example, it is estimated that approximately 20% of Salvadorans and 23% of Hondurans arrived in the United States before the age of 16.<sup>60</sup> However, such information has only recently been provided by civil society organizations and is based on research estimates.

In addition to issues related to data collection and system development, Honduras does not have an existing repatriation infrastructure in place to deal with the integration needs of returned TPS recipients. Unfortunately, the delegation heard from Honduran and U.S. governmental representatives consistently that despite the progress being made, the Honduran government does not have the ability to adequately handle the return of TPS recipients. While the Law to Protect Honduran Migrants and Their Families, Decree #106-2013 codifies protection for families, there is no further protections or rights listed in the law where rights of those returned nationals are discussed.<sup>61</sup> Furthermore the existing regulations for the government-sponsored Center for Returned Migrants (Oficina de Asistencia al Migrante Retornad (OFAMIR)) has been developed to respond to the needs of returnees who only recently left Honduras. It does not have services for the type of returnees that TPS recipients will be – nor for their long term integrative needs.<sup>62</sup>

Moreover, in a meeting with the delegation, the staff of the U.S. Embassy in Tegucigalpa, in explaining why they recommended to the U.S. Administration to renew TPS for Honduras, noted the already large num-

ber of annual returnees. An estimated 69,370 people returned to Honduras from January to December in 2016.<sup>63</sup> They voiced concern about the existing ability of the government to take additional people, stating: “It [Trying to address additional returns] would undermine all the [security] efforts trying to ensure security here.”<sup>64</sup> Furthermore, Honduran government officials themselves note that there are no long term integration services that exist to help these particular returnees. The group will include those who are elderly and who generally have greater economic and health care needs. The younger returnees will not necessarily speak Spanish, may not be familiar with Honduran societal or cultural norms, and will not have lived in Honduras as adults.<sup>65</sup> An official from Foro Nacional Para las Migraciones en Honduras, stated: “As a country we are not prepared. There is no plan. At the government level, no strategy for integrating that many people back into society.”<sup>66</sup>

(B) *El Salvador Has Greater Knowledge of Its TPS Recipient Population but Currently Lacks Capacity to Provide Transitional Legal Services, or to Adequately Accept and Facilitate Sustained Reintegration of Its Extremely Large TPS Recipient Population.*

Of all the nationalities who have TPS designations from the United States, El Salvador is by far the largest. The estimates range from 187,000- 205,000<sup>67</sup> Salvadorans who have TPS and are living in the United States. The size of this population is noteworthy and elicits the need for greater data collection and evaluation when discussing the possibility of ending TPS and whether the country can adequately accept the return of TPS recipients as mandated by the statute.<sup>68</sup> In a proactive way, the government of El Salvador has collected data about the TPS recipients. For example, importantly, the delegation learned that the Salvadoran government estimates that approximately 25% of the roughly 200,000 Salvadoran TPS recipients living in the United States are eligible for some form of permanent legal immigration relief in the United States.<sup>69</sup> The most common forms of relief that are likely available are the adjustment of status based on marriage, and adjustment of status through a U.S. citizen child.<sup>70</sup>

While the Salvadoran government has more knowledge of its TPS population, it is similarly challenged when it comes to having the capacity within the United States to provide legal immigration services. The delegation learned that the Salvadoran government has hired five immigration attorneys at its consulates in the United States to assist TPS recipients with legal immigration

services.<sup>71</sup> While this is an important first step, a much more robust legal immigration service presence needs to be implemented in the Salvadoran consulates and in communities that serve Salvadorans but do not have consulate presence.

More robust legal services are needed particularly as there are recent cases from the United States courts in the 6<sup>th</sup> and 9<sup>th</sup> Circuit that provide precedents for certain TPS holders to become permanent residents. The cases apply to TPS recipients in the 6<sup>th</sup> and 9<sup>th</sup> Circuits, which include Kentucky, Michigan, Ohio and Tennessee in the 6<sup>th</sup> Circuit and Alaska, Arizona, California and Hawaii in the 9<sup>th</sup> Circuit. In *Ramirez v. Brown*, the 9<sup>th</sup> Circuit held that a grant of TPS constitutes an “admission” for purposes of adjustment of status under the INA.<sup>72</sup> Through *Ramirez*, the Ninth Circuit, has the same holding as an existing opinion by the 6<sup>th</sup> Circuit, *Flores v. USCIS*.<sup>73</sup> A large number of recipients are able to adjust to lawful permanent residence under *Ramirez* and *Flores* provided that they fulfill other statutory requirements.<sup>74</sup> This is particularly important when speaking about the ability of Salvadoran TPS recipients’ ability to adjust their status as a majority of Salvadoran TPS recipients live in California.<sup>75</sup> It is vital that the Salvadoran government work to promote awareness of *Flores*

and *Ramirez* in the respective jurisdictions and work to scale up legal services in those states that are in the 6<sup>th</sup> and 9<sup>th</sup> Circuits. The Catholic Church in California has been involved in helping those who are eligible to apply for the relief available. In Los Angeles especially, the archdiocese has been very active in making the districts’ decision known and in offering help through various arms of the archdiocese.

The government does not have adequate systems to address the protection and integration needs of the current returning population, which last year reached 52,560, let alone the potentially much larger TPS returnee population. To accept up to 205,000 individuals in a single year, on top of other deportees, would certainly bring the existing governmental and civil society returnee system to the breaking point.<sup>75a</sup>

#### **(4) Rescinding TPS for Honduras and El Salvador Will Place Families Who Participated in the Central American Minors (CAM) Program in Jeopardy.**

While it has been reported by the Administration that the Central American Minors (CAM) refugee program will be phased out in Fiscal Year 2018,<sup>76</sup> there is continued concern about the protection needs of vulnerable children and their families who applied and enrolled or attempted to apply for the program. Most notably, the high correlation between TPS recipients and CAM enrollment gives great concern with regards to family separation for families that participated in the program. The delegation learned from the U.S. Embassy staff in El Salvador that an estimated 90% of CAM refugee applications were from qualifying relatives who had TPS.<sup>77</sup> Created in 2014, the Central American Minors (CAM) Refugee program was to provide certain qualified children who are nationals of El Salvador, Guatemala, and Honduras, as well as certain family members of those children, an opportunity to apply for refugee status and possible resettlement in the United States.<sup>78</sup> Only certain parents who are lawfully present in the United States were eligible to be qualifying parents and request access to the program for their children. To be eligible, parents must have lawful immigration status, of which TPS was recognized as one form of eligible status.<sup>79</sup> TPS is also the predominant status that eligible parents for CAM refugees have been able to utilize. Examination of the Catholic Charities refugee resettlement affiliates in USCCB’s network who are processing the most CAM cases, lends support to the claim that those eligible for the existing CAM refugee program are primarily through TPS status. For example, Catholic Charities of Rockville Center reported that 98% of its CAM caseload had TPS as qualifying relationships<sup>80</sup>, Catholic Charities of the Archdiocese of New York reports that approximately 78% of their CAM qualifying relationships have been TPS<sup>81</sup>, and

#### **Ricardo\*—Family That Would Face Financial Uncertainty with TPS Non-Renewal**

Ricardo\* is a contractor with one of the civil society organizations that the delegation interviewed in Honduras. Ricardo is university-educated and has a business providing translations and website designs to NGOs. He has extensive family in the United States, including cousins in Tennessee and California. One of his cousins who lives in the United States is a business owner who has TPS. Ricardo’s wife has a niece and nephew in Florida and Texas who both have TPS. They work as a nurse and as an Emergency Medical Technician. Ricardo expressed concern about the future for his TPS recipient family living in the United States. He worries about how exactly they will survive in Honduras if they are forced to come back and what they will do to make a living. He particularly noted concern for his cousin who owned a business and has TPS. He mentioned that his cousin, due to his tenuous TPS status, was uncertain as to the fate of his self-made business. If he lost his TPS status, he would no longer be able to run his business. Ricardo also noted the crime that occurred in Honduras that was frequently targeted at small business owners, and wondered aloud how exactly entrepreneurs like his cousin would be able to make a living to support themselves and their families if they were returned.

## Blanca\* Salvadoran TPS Recipient, School Aide, Church Leader & Mother of U.S. Citizen Children

Blanca is a middle-aged Salvadoran woman. She has been living in the United States for 16 years, first in Washington D.C., and currently in Maryland. She came to this country seeking a better living than what her war-ravaged home country of El Salvador could offer. Blanca currently works as a school aide at a local public school. She is married and has four children (ages 16, 15, 11 and 9), all of which are American citizens. She regularly sends money to her uncle and her brother in El Salvador. She is an active member of her community. Blanca attends Mass regularly at St. Camillus in Silver Spring and teaches Catechesis to children in her parish. She also volunteers in her children's school. She contacted an immigration lawyer through St. Camillus who told her she could not apply for permanent residence until her first-born turns 21. Blanca is fearful that this administration might rescind TPS for Salvadorans. She does not want to be torn away from her children, all of whom know no other country other than the U.S. Blanca noted that it is important to remember that "many TPS holders have families they have to feed, and can't afford to be separated from them."

Catholic Charities of Houston reports that 95% of their CAM qualifying relationships have TPS.<sup>82</sup>

Rescinding TPS for Honduras and El Salvador will only exacerbate existing protection concerns for Central American minors. By effectively placing qualifying relationship sponsors of CAM refugees into undocumented status in the United States, families would no longer be able to provide safe and stable placement for their children. In addition, families will be at increased risk of family separation which could result in further interactions with the child welfare system, as primary caregivers are stripped of TPS and become eligible for removal. For CAM applicants not yet arrived in the U.S., revoking TPS from qualifying relationships would result in thousands of vulnerable children being left in extremely dangerous and violent situations from which they are attempting to flee. As the root causes of migration in Honduras and El Salvador have not been mitigated, and facing no viable alternative for legal migration, minors with extreme protection needs will continue to flee in search of safety and will be forced to consider more dangerous routes, placing them at greater risk for exploitation in the hands of smugglers and traffickers.

The CAM refugee and parole program, while small, has offered an important legal and regular immigration pathway for vulnerable children and family members with extreme protection needs. In Pope Francis's recently released *Twenty Points Responding to Refugees and Migrants*, through the Holy See's Dicastery on Migrants and Refugees, the importance of safe and legal routes for migrants and refugees is highlighted. In the section on "Welcoming: Enhancing Safe and Legal Channels for Migrants and Refugees", the Holy See recommends that states should be encouraged to expand the number and range of alternative legal pathways for safe and voluntary migration and resettlement. A specific recommendation is "adopt[ing] humanitarian corridor programs that grant legal entry

with a humanitarian visa to people in particularly vulnerable situations..."<sup>83</sup> As articulated by the Holy See, the need for safe and legal pathways such as the CAM program is vital at this time of unprecedented violence and regional child protection issues in the Northern Triangle. CAM provided necessary safe regular migration corridors to the United States in a year when Central American refugees have accounted for just 1 percent of the 51,000 refugees who have been admitted to the United States. With the end of the CAM program called for by the Administration, coupled with the end of TPS, families who came forward to register with the U.S. government and enroll in an existing safe legal migration program will be doubly harmed and placed in a far more vulnerable situation.

## Recommendations

To the United States Government:

- (1) **TPS should be extended for 18 months for Honduras and El Salvador respectively.** Such an extension is appropriate under federal statutory criteria, because neither country can adequately handle the return of its nationals at this time, and both countries have requested continued protection.<sup>84</sup> Extension of TPS at this time to both Honduras and El Salvador would also help to ensure regional stability and prevent larger-scale internal displacement as well as irregular international migration flows.
- (2) **Congress should pass a legislative solution providing continued lawful status for those TPS beneficiaries that have been granted protection for many years in the United States. They have personal equities that are also closely associated with U.S. interests, such as U.S. citizen children, businesses,**

**and home mortgages.** Congressional lawmakers need to work in a bipartisan manner to address long-term TPS recipients as they have developed strong equities in the United States. Such options may include one-time relief for long-term resident TPS recipients, “protected status suspension” for persons in danger if returned to country of origin; or adjustment of status for current TPS beneficiaries who would be otherwise eligible for an immigrant visa and are admissible to the United States for permanent residence.

- (3) **DHS should work with the Honduran and Salvadoran consulates and civil society to formulate an education campaign to ensure that TPS recipients in the United States who are eligible for permanent lawful status receive information concerning how to adjust their status.** This is important since adjustment of status is a positive integration outcome which ensures a greater financial contribution to the U.S. government. From an economic and humanitarian point of view, it is also a cost saving alternative to apprehension, detention and removal.

To Honduran Government:

- (1) **Honduras should improve its existing infrastructure for registering and monitoring existing TPS recipients living in the United States.** The newly revamped Consular Identification card, introduced in September 2017, is a good first step and could have wide-reaching impact if robustly implemented.
- (2) **Honduras should consider development of its consular presence in the United States and its legal immigration services for its nationals living in the United States.** Such efforts could include education campaigns and legal immigration services for Honduran TPS recipients in the US, urging them to get screened for available forms of status and move forward with permanent legal immigration options where possible.
- (3) **Honduras and El Salvador need to improve their in-country legal work opportunities for their youthful populations.** Gang-prevention programs that have job skill component programming, such as Catholic Relief Services YouthBuilders programs will help to provide Honduran and Salvadoran nationals with more economic security and help further develop the stability of the region.

- (4) **Honduras needs to develop stronger programming to address protection and integration services for internally displaced people and for returnees who have been outside of Honduras for many years.** This is vital to prevent onward migration and re-migration in the case of Honduran nationals who have been internally displaced or returned. Such program development could also help enable Honduras to adequately handle the return of TPS recipients in the future. Services such as language skills and cultural orientation will help ensure that such a long departed and newly returned population will better acclimate and will not face remigration or forced displacement.

To El Salvadoran Government:

- (1) **El Salvador should consider addressing the issue of internal displacement of people due to generalized violence.** El Salvador should work with UNHCR to engage in an internal displacement profiling study to better understand and respond to the scope and challenges of IDPs whose numbers have greatly increased in the past five years.
- (2) **El Salvador needs to better fund and coordinate its existing consular legal resources to ensure that the large number of TPS recipients who are potentially-eligible for permanent legal status may be able to apply.**
- (3) **El Salvador needs to develop better programming to address long-term repatriation and integration services.** This is vital to prevent re-migration in the case of Salvadoran nationals who have been returned and to adequately handle the return of TPS recipients in the future. Services such as language skills and cultural orientation will help ensure that returned populations will better acclimate and will not face remigration or forced displacement. This protection/integration program could also be part of the infrastructure to protect and assist IDPs mentioned above.
- (4) **El Salvador (and Honduras) should address root causes of forced displacement and forced migration, working in collaboration with the United States, the international community, and civil society.** Honduras is already engaging UNHCR and other international organizations in this effort, but meaningful protection plans need to be further created and implemented.

To Civil Society Leaders in the United States:

- (1) **U.S. immigration service providers should coordinate to robustly screen and provide legal services for Salvadorans and Hondurans living in the United States who might qualify for immigration relief under U.S. law.**
- (2) **Funding mechanisms should be created through existing donor and funder networks to help defray the application costs for assisting TPS recipients who have legal relief available.**

To Catholic Church Leaders:

- (1) **Through diocesan services and Catholic NGOs in El Salvador and Honduras, contribute to further providing protection and humanitarian assistance for IDPs, current and future returnees, and possible future TPS returnees.** Recent examples of the Scalabrinians collaborating with the Honduran government are positive but more formalized partnership needs to occur to better protect and ensure a greater number of individuals who can access protection and integration services in country.
- (2) **Through diocesan services in the United States and Canada, support legal screening and services to maximize access to permanent legal status for Salvadorans and Hondurans in the U.S. and Canada.** More legal education and screening opportunities need to occur at the parish and diocesan community level. While the existing Catholic Charities legal service network provides assistance, it is vital to further develop education and awareness about the TPS population and possible legal immigration options available.

## Conclusion

It is crucial for the United States to extend TPS for El Salvador and Honduras. Terminating TPS for the two countries may negatively impact regional security, and have negative economic and humanitarian consequences in El Salvador, Honduras and the United States. While both El Salvador and Honduras have demonstrated improvements in their existing governmental protection and security efforts, neither nation has the ability at this time to adequately handle the return of its nationals if TPS is not renewed. Both countries lack institutional capacity to reintegrate as they are already under strain due to the large number

of returnees coming back from the United States and Mexico and from the large number of IDPs in both countries.

In meeting with TPS recipients in the United States through our Catholic Charities network and speaking with TPS recipients' family members in Honduras and El Salvador, it is clear that many TPS recipients consider the United States their home and are contributing members of the United States in economic and social terms. They also provide financial assistance and security to their children, many of whom are U.S. citizens, and they provide the same through remittances for loved ones in their countries of origin. These funds are vital to the well-being of families. To end TPS will also ensure devastating situations of family separation and affect an estimated 270,000 U.S. citizen children who will face the unbearable choice of either being without their parents or returning with their parents to face the dangers for youth and families that are well documented in El Salvador and Honduras.

We ask the Administration to extend TPS for 18 months for Honduras and El Salvador and to continue working with the respective governments on economic development, security and safe repatriation efforts. Further, the Administration should support anti-gang, anti-corruption and systematic integration efforts to ensure greater regional stability and human security.

We look forward to working with Congress, the Administration and others in pursuing humane and just solutions for the long-term TPS beneficiaries currently residing in the United States.

## Acknowledgements

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Apostolic Nunciature of the Holy See, El Salvador

Archdiocese of Washington, St. Camillus Church, Silver Spring, Maryland

Archdiocese of San Salvador

Archdiocese of Tegucigalpa

Asociación Comité de Familiares de Migrantes Fallecidos y Desaparecidos de El Salvador (COFAMIDE)

Caritas, El Salvador, Honduras

Casa Alianza, Honduras

Catholic Relief Services, El Salvador, Honduras

Cristosal	aliens who are nationals, and
Dicastery for Integral Human Development, Holy See	(iii) The foreign state officially has requested designation under this subparagraph;
Direccion de Ninez, Adolescencia Y Familia (DNAF), Honduras	2 See Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 5036, available at <a href="https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf">https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf</a>
Embassy of El Salvador and Honduras in the United States of America	3 Number provided to the USCCB/MRS delegation by the US Embassy staff in El Salvador, August 18 <sup>th</sup> , 2017 delegation trip notes on file with the author.
Foro Nacional Para Las Migraciones, Honduras	4 Cecilia Menjivar, Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants, Center for Migration Research, University of Kansas, Central American Resources Center, National Day Laborer Organizing Network, May 2017, at 2.
Inter-American Foundation	5 TPS Designated Country: El Salvador, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)
International Organization for Migration	(March 6, 2017), <a href="https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protectedstatus-designated-country-el-salvador">https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protectedstatus-designated-country-el-salvador</a>
Ministry of Foreign Affairs, El Salvador	6 Carla Argueta, Temporary Protected Status: Current Immigration Policy and Issues, Congressional Research Service, January 17, 2017, at 4.
Ministry of Foreign Affairs and International Relations, Honduras	7 Cecilia Menjivar, Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants, Center for Migration Research, University of Kansas, Central American Resources Center, National Day Laborer Organizing Network, May 2017, at 2.
Pastoral Care for Migrants in Honduras	8 TPS Designated Country: Honduras, USCIS, (Aug. 11, 2016), <a href="https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras">https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras</a> .
Scalabrinian Fathers, El Salvador and Scalabrinian Sisters, Honduras	9 Pope Pius XII, <i>Exsul Familia</i> (On the Spiritual Care of Migrants), September, 1952.
United Nations High Commissioner for Refugees	10 Message of his Holiness Pope Francis for the 104 <sup>th</sup> World Day of Migrants and Refugees referring to Statement of the Permanent Observer of the Holy See to the 103 <sup>rd</sup> <i>Session of the Council of the IOM</i> , 26 November 2013.
U.S. Embassy in San Salvador and U.S. Embassy in Tegucigalpa	11 <i>World Fact Book: Honduras</i> , CIA, see <a href="https://www.cia.gov/library/publications/the-world-factbook/geos/print_ho.html">https://www.cia.gov/library/publications/the-world-factbook/geos/print_ho.html</a> .
USAID Mission in San Salvador and USAID Mission in Tegucigalpa	12 Gabriel Lesser, Jeanne Batalova, “Central American Immigrants in the United States,” Migration Policy Institute, April 5, 2017, available at <a href="http://www.migrationpolicy.org/article/central-american-immigrants-united-states">http://www.migrationpolicy.org/article/central-american-immigrants-united-states</a>
Youth in “Youth Builders,” Tegucigalpa and Youth in “Youth Builders,” El Salvador	13 See Mission to Central America: The Flight of Unaccompanied Children to the United States, USCCB/MRS, November 2013 available at <a href="http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/Mission-To-Central-America-FINAL-2.pdf">http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/Mission-To-Central-America-FINAL-2.pdf</a>
* In each of the case studies used in the report, the names of individuals were changed to protect their identity.	14 Law to Protect Honduran Migrants and Their Families, De-

## Endnotes

1 8 U.S.C. § 1254(b) provides that TPS may be designated:

- (1) In general. – The Attorney General after consultation with the appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if-
  - (A) The Attorney General finds that there is an ongoing armed conflict within the state and due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;
  - (B) The Attorney General finds that-
    - (i) There has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting substantial but temporary disruption of living conditions in the area affected,
    - (ii) The foreign state is unable, temporarily to handle adequately the return to the state of

cree #106-2013, codified February 15, 2014 available at [https://docs.wixstatic.com/ugd/ab137c\\_b55feb81b9894bbab0883c5b-b78679a7.pdf](https://docs.wixstatic.com/ugd/ab137c_b55feb81b9894bbab0883c5b-b78679a7.pdf)

15 U.S. Customs and Border Protection, Unaccompanied Alien Children Encountered by Fiscal Year, Graph on Fiscal Years 2009-2015, FY 2016 (October 1, 2015 - September 30, 2016) available at <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>

16 World Bank Data: Honduras, Country Profile 2017, available at <https://data.worldbank.org/country/honduras>

17 The Continued Growth of Family Remittances to Latin America and the Caribbean in 2015, The Dialogue for Leadership in the Americas, February 2016 available at <http://www.thedialogue.org/wp-content/uploads/2016/02/2015-Remittances-to-LAC-2122016.pdf>

17a *Id.*

18 Meeting with Vice Minister Maria Matamoros Castillo, August 14<sup>th</sup>, 2018 delegation trip notes on file.

19 *See* Designation of Honduras Under Temporary Protected Status, 64 Fed.Reg. 524 (Jan. 5, 1999).

20 *See* Extension of the Designation of Honduras for Temporary Protected Status, 81 Fed. Reg. 94 (May 16, 2016).

21 *Id.* at 30333.

22 Clare Ribando Seelke, El Salvador: Background and U.S. Relations, Congressional Research Service, March 8, 2017 at 15, available at <https://fas.org/sgp/crs/row/R43616.pdf> quoting Jeffrey Passel and D'Vera Cohn, Unauthorized Immigrant Totals Rise in 7 States, Fall in 14, Pew Research Center, November 18, 2014.

23 CIA, World Fact Book: El Salvador, <https://www.cia.gov/library/publications/the-world-factbook/geos/es.html>

24 Clare Ribando Seelke, El Salvador: Background and U.S. Relations, Congressional Research Service, March 8, 2017 at 7, available at <https://fas.org/sgp/crs/row/R43616.pdf> *See also*, <http://www.presidencia.gob.sv/wp-content/uploads/2015/01/El-Salvador-Seguro.pdf>

25 *Id.*; *see also* David Marroquín, “Plan El Salvador Seguro Fracasa en Municipios más Violentos,” *El Diario de Hoy*, February 5, 2017.

26 Bureau of Diplomatic Security, *El Salvador Crime and Safety Report*, February 22, 2017, U.S. Government, available at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=21308>.

27 Hugo Chavez, El Salvador Shares US Goal of Security in Tackling MS 13, *The Hill*, September 24, 2017, available at <http://thehill.com/opinion/international/351885-el-salvador-shares-us-goal-of-security-in-tackling-ms-13-drug-trafficking>

28 Delegation report notes on file.

29 Laura Jaitman, *The Costs of Crime and Violence: New Evi-*

*dence and Insights in Latin America and the Caribbean*, IDB, 2017.

30 Interview with Mark Johnson and US Embassy Officials 8.18.17 delegation notes on file.

31 Designation of El Salvador under Temporary Protected Status Program, 66 Fed. Reg. 14,214 (March 9, 2001), available at <https://www.federalregister.gov/articles/2001/03/09/01-5818/designation-of-el-salvador-under-temporary-protected-status-program>. *See* Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 5036, available at <https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf>

32 Extension of Designation of El Salvador under Temporary Protected Status Program, 81 Fed. Reg. 44645 (July 8, 2016), available at <https://www.federalregister.gov/documents/2016/07/08/2016-15802/extension-of-the-designation-of-el-salvador-for-temporary-protected-status>.

33 *Id.*

34 *Id.*

35 Delegation Notes, August 17, 2017 delegation notes, on file.

36 Most Reverend Jose Luis Escobar Alas, I See Violence and Strife in the City: A Pastoral Letter on the Occasion of the Feast of the Beloved Blessed Oscar Romero, March 24, 2016 at 18.

37 *Id.*, at page 15.

38 Meeting with Cardinal Rodriguez 8.13.17 delegation notes on file.

39 *Id.*

40 Meeting with Sister Lidia Mara Silva de Souza, National Coordinator, Pastoral Care for Migrants in Honduras, 8.15.17, notes on file.

41 Meeting with Father Mauro Verzeletti, Scalabrinian Order, 8.19.17, notes on file.

42 Cecilia Menjivar, Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants, Center for Migration Research, University of Kansas, Central American Resources Center, National Day Laborer Organizing Network, May 2017, at 8

43\*Name changed to protect identity

44 Internal Displacement Monitoring Center (IDMC), 2016 Report on the Grid: Global internal displacement in 2016, cites the number of IDPs in El Salvador to be 220,000 <http://internal-displacement.org/global-report/grid2017/pdfs/2017-GRID-el-salvador-spotlight.pdf>

45 Guiding Principles on Internal Displacement, OCHA, United Nations, 2001, Introduction available at <http://www.unhcr.org/en-us/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

46 UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964>.

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47 Report on Status of Forced Displacement Due to Widespread Violence in El Salvador, Cristosal 2016 available at <https://static1.squarespace.com/static/5784803e3e6594ad5e34ea63/t/57ce04d02994ca4d3c1f2a13/1473119442663/Informe-testimonial-sobre-desplazamiento-forzado.pdf>

48 UNHCR Honduras Fact Sheet, March 2017, available at <http://reporting.unhcr.org/sites/default/files/UNHCR%20Honduras%20Fact%20Sheet%20-%20March%202017.pdf>

49 Interinstitutional Commission for Protection of Displaced People Due to Violence, Characterization of Internal Displacement in Honduras, (2015) at 12, available at [http://sedis.gob.hn/sites/default/files/desplazamiento/Caract.Desplazam.Interno\\_ENG.pdf](http://sedis.gob.hn/sites/default/files/desplazamiento/Caract.Desplazam.Interno_ENG.pdf)

50 *Id.* at 9.

51 Internal Displacement Monitoring Centre, 2016 Global Report Internal Displacement in 2016, available at <http://internal-displacement.org/global-report/grid2017/>

52 *Id.*

53 Interview with Noah Bullock, Executive Director, Cristosal, 8.17.17, notes on file.

54 Cecilia Jimenez-Damary, Statement on the conclusion of the visit of the United Nations Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary to El Salvador – 14 to 18 August 2017 UN Special Rapporteur, August 18, 2017 available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21984&LangID=E>.

54a Both Honduras and El Salvador have requested TPS as required by statute. See Victoria Macchi, Gesell Tobias, El Salvador Asks U.S. Government for TPS Extension, Voice of America News, August 27, 2017, Honduran President Asks U.S. Government to Extend Temporary Protected Status for Central American Immigrants, PR Newswire, June 14, 2017, available at <https://www.voanews.com/a/el-salvador-asks-us-government-for-tps-extension-/4002837.html>; <http://www.prnewswire.com/news-releases/honduran-president-asks-us-government-to-extend-temporary-protected-status-for-central-american-immigrants-300473679.html>

55 Interview with Honduran Vice Minister Maria Matamoros Castillo, 9.13.17, notes on file.

56 Interview with Honduran Vice Minister Maria Matamoros Castillo 9.13.17, notes on file. Marlon Tabora Munoz Honduran Ambassador to the United States, 9.13.17, notes on file.

57 Notes from Honduran Consular Identification event 9.23.17, Washington DC., notes on file.

58 Interview with Vice Minister Maria Matamoros Castillo, 8.14.17 Trip Delegation Notes on file. Marlon Tabora Munoz Honduran Ambassador to U.S. 9.13.17, notes on file.

59 Cecilia Menjivar, Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants, Center for Migration Research, University of Kansas, Central American Resources Center, National Day Laborer Orga-

nizing Network, May 2017 at 8. Of the participants in the study, the median age of TPS holders was 43 years old, (42 for men and 43 for women). The undocumented population and the immigrant population with permanent legal status have median age of 36.1 years and the U.S. population has a median age of 47 years.

60 Robert Warren, Donald Kerwin, A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras and Haiti, JMHS Vol 5 Num 3 (2017): 577-592, at 582 Table 2.

61 Law to Protect Honduran Migrants and Their Families, Decree #106-2013, codified February 15, 2014 available at [https://docs.wixstatic.com/ugd/ab137c\\_b55feb81b9894bbab0883c5b-b78679a7.pdf](https://docs.wixstatic.com/ugd/ab137c_b55feb81b9894bbab0883c5b-b78679a7.pdf)

62 *Id.*

63 David Morales, IOM, “Migration in the Northern Triangle of Central America: Trends, Challenges, and Opportunities,” Presentation Power-point for Wilson Center, Washington, DC, May 11, 2017, p. 34, available at [https://www.wilsoncenter.org/sites/default/files/david\\_morales\\_-\\_ntca\\_presentation.pdf](https://www.wilsoncenter.org/sites/default/files/david_morales_-_ntca_presentation.pdf) (IOM cites Observatorio Consular y Migratorio de Honduras (CONMIGHO) for the Honduran data).

64 *Id.*

65 Interview with Honduran Vice Minister Maria Matamoros Castillo, 9.13.17 delegation notes on file.

66 Meeting with Karen Valladares Foro Nacional Para las Migraciones en Honduras 8.12.17, notes on file.

67 *See supra* 4, 5

68 *See supra* 1

69 Interview with Honduran Vice Minister Maria Matamoros Castillo, 9.13.17 delegation notes on file; 9.25.17 Meeting with Salvadoran Foreign Minister Hugo Chavez, notes on file.

70 *See* 8 USC § 1255, available at <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-7406.html>

71 Meeting with El Salvadoran Vice Minister of Foreign Relations Carlos Castaneda, 8.17.17, delegation notes on file; a pre-meeting 8.11.17 with Salvadoran Ambassador to the United States Claudia Canjura, notes on file.

72 *See Ramirez v. Brown*, 852 F.3d 954 (9<sup>th</sup> Cir. 2017); INA §245 (a)

73 *Flores v. USCIS*, 718 F.3d 548 (6<sup>th</sup> Cir. 2013)

74 The requirements are: (1) an individual must have entered the United States without inspection prior to receipt of TPS; (2) currently be in valid TPS status; (3) be otherwise eligible for adjustment; and (4) live within a state within the jurisdiction of the Sixth or Ninth Circuits. *See* Mary Kenney, Court Decisions Ensure TPS Holders in Sixth and Ninth Circuits May Become Permanent Residents, American Immigration Council, Practice Advisory, September 16, 2017, available at [https://americanimmigrationcouncil.org/sites/default/files/practice\\_advisory/court\\_decisions\\_ensure\\_tps\\_holders\\_in\\_sixth\\_and\\_ninth\\_circuits\\_may\\_](https://americanimmigrationcouncil.org/sites/default/files/practice_advisory/court_decisions_ensure_tps_holders_in_sixth_and_ninth_circuits_may_)

become\_permanent\_residents.pdf

75 Don Kerwin, Robert Warren, A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti, Center for Migration Studies, 2017 available at <http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/>

75a. Morales, IOM.

76 *See* FY 18 Report to Congress on Presidential Determination for Admittance of Refugees into the U.S. Refugee Admissions Program at 4.

77 Meeting with U.S. Embassy Officials in San Salvador 8.18.17, notes on file.

78 USCIS webpage, “In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM)” available at <https://www.uscis.gov/CAM> (last accessed 9.12.17)

79 The forms of eligibility: (1) lawful permanent resident; (2) TPS; (3) parolee; (4) deferred action (DACA or another form); (5) deferred enforced departure; or (6) withholding of removal.

80 Conversation with Carmen Maquillon, Catholic Charities Rockville Center, 9.7.2017 notes on file.

81 Email with Kelly Barajas, Catholic Charities Archdiocese of New York, 9.12.2017, notes on file.

82 Email with Janice Jacobs, Catholic Charities of Galveston-Houston, 9.15.2017, notes on file.

83 Vatican Dicastery on Migrants and Refugees, Responding to Refugees and Migrants: Twenty Action Points, at I-Welcome, 2.c, 2017.

84 *See* 8 U.S.C. 1254(b)(1)(B)(ii)-(iii).