

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.¹

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	September 9, 2019	263,282	6,058
Haiti	July 23, 2011	July 22, 2019	58,706	4,735
Honduras	January 5, 1999	Jan. 5, 2020	86,163	834
Nepal	June 24, 2015	June 24, 2019	12,967	513
Nicaragua	January 5, 1999	April 2, 2019	5,349	17
Somalia	September 18, 2012	March 17, 2020	497	1
South Sudan	May 3, 2016	May 2, 2019	49	2
Sudan	May 3, 2013	April 2, 2019	1,039	3
Syria	October 1, 2016	September 30, 2019	6,177	153
Yemen	March 4, 2017	March 3, 2020	819	10
TOTAL			435,048	12,326

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.

Notably, these numbers are much higher than estimates from the Center for American Progress that are widely cited.² And as the designation dates show, 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 average **15 years**.³ 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. Some have children who are covered by another program in peril: DACA.

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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.⁴ Both the U.S. Chamber of Commerce and the Greater Boston Chamber of Commerce have called for a TPS extension.⁵

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

In short, because terrible conditions have persisted and even worsened. The Northern Triangle of Central America – El Salvador, Honduras and Guatemala – is one of the most violent regions in the world. Doctors Without Borders reports 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.”⁶ Poverty and natural disasters exacerbate the suffering.

The dire situation 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. The United Nations describes Haiti as still facing “a convergence of humanitarian needs.”⁷

Still, the U.S. government has now ended TPS for both Haiti and El Salvador, effective in mid-2019. This is likely to force many parents to divide their families to avoid putting their children at risk.

What do we do now?

The Trump administration has now set final TPS termination dates for the vast majority of the population covered by the program, and it is unclear whether *any* conditions would now be deemed to warrant TPS. For instance, even as TPS for El Salvador was being ended, the U.S. State Department website warned that El Salvador is a dangerously violent country, with “one of the highest homicide levels in the world.”⁸

On Oct. 3, 2018, a U.S. District Judge temporarily blocked TPS termination for Sudan, Nicaragua, Haiti and El Salvador after finding substantial evidence that the administration lacked “any explanation or justification” for its actions. In response, USCIS extended TPS for Sudan and Nicaragua until April 2, 2019.⁹ It is possible that further extensions will be granted, delaying the end of TPS for Haitians and Salvadorans as well.

MIRA strongly supports the continuation of the TPS program as a moral and humanitarian imperative. At the same time, we support legislation to enable TPS holders, especially if they have lived in the U.S. for many years, to apply for permanent residency. In the 115th Congress, we supported the American Promise Act, sponsored by U.S. Rep. Nydia Velázquez, D-NY, and co-sponsored by seven members of the Massachusetts delegation.¹⁰ We expect similar legislation to be introduced in the 116th Congress, possibly covering both TPS holders and DACA recipients. We consider this an urgent priority.

This factsheet was written by Marion Davis. It was last updated on January 25, 2019.

¹ 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>.

² 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/>.

³ 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.

⁴ CAP Immigration Team (2017).

⁵ 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/>.

⁶ 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>.

⁷ UNICEF (2017). *Haiti: Humanitarian Situation Report October 2017*. <https://reliefweb.int/report/haiti/haiti-humanitarian-situation-report-october-2017>.

⁸ See <https://www.dhs.gov/news/2018/01/08/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected> and https://travel.state.gov/content/travel/csi_repository/csi_landing/csi_catalog/slv.html (International Travel tab).

⁹ See <https://www.washingtonpost.com/news/morning-mix/wp/2018/10/03/federal-judge-citing-trump-animus-against-nonwhites-blocks-removal-of-haitians-salvadorans-and-others/> and <https://www.uscis.gov/humanitarian/temporary-protected-status>.

¹⁰ See <https://www.congress.gov/bill/115th-congress/house-bill/4253>. For a summary of the bill, see: <https://immigrationforum.org/article/american-promise-act-2017-bill-summary/>.