

## 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	Jan. 4, 2021*	263,282	6,058
Haiti	July 23, 2011	Jan. 4, 2021*	58,706	4,735
Honduras	January 5, 1999	Jan. 4, 2021*	86,163	834
Nepal	June 24, 2015	Jan. 4, 2021*	12,967	513
Nicaragua	January 5, 1999	Jan. 4, 2021*	5,349	17
Somalia	September 18, 2012	March 17, 2020	497	1
South Sudan	May 3, 2016	Nov. 2, 2020	49	2
Sudan	May 3, 2013	Jan. 4, 2021*	1,039	3
Syria	October 1, 2016	March 31, 2021	6,177	153
Yemen	March 4, 2017	March 3, 2020	819	10
		<b>TOTAL</b>	<b>435,048</b>	<b>12,326</b>

\*Employment authorizations extended until this date; TPS is extended per a preliminary injunction in *Ramos, et al v. Nielsen, et al.* Data sources: Dates – USCIS; total U.S., Sharon Scheidhauer, USCIS public affairs officer, Nov. 9, 2017; Mass. numbers from USCIS, as reported to U.S. Sen. Edward J. Markey in May and November 2017. All reflect approved TPS applications in 2016.

Notably, these numbers are much higher than estimates from the Center for American Progress that are widely cited.<sup>2</sup> 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**.<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. Some have children who are covered by another program in peril: DACA.

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>3</sup> Both the U.S. Chamber of Commerce and the Greater Boston Chamber of Commerce have called for a TPS extension.<sup>4</sup>

## 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 an extremely violent region. 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.”<sup>5</sup> The U.S. State Department has warned travelers that El Salvador is a dangerously violent country, with “one of the highest homicide levels in the world.”<sup>6</sup> 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.”<sup>7</sup>

Still, the U.S. government wants to end TPS for the majority of countries covered. In March 2018, TPS holders from Sudan, Nicaragua, Haiti and El Salvador and their U.S. citizen children filed a lawsuit in federal court, *Ramos, et al v. Nielsen, et al.*, and obtained a preliminary injunction that has allowed TPS to continue. In November 2019, USCIS extended employment authorizations for TPS holders from those countries as well as Honduras and Nepal until Jan. 4, 2021 – though TPS could still end sooner if the government prevails in court.

## What do we do now?

MIRA strongly supports the continuation of the TPS program as a moral and humanitarian imperative. The U.S. has a proud tradition of providing safe harbor to people fleeing dangerous conditions, and TPS is an important mechanism to do this. 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.

Thus, in the 116<sup>th</sup> Congress, we strongly support the Dream and Promise Act, which would protect both Dreamers and TPS and Deferred Enforced Departure (DED) holders.<sup>8</sup> Legislation to the same effect was filed in the Senate as two separate bills: the DREAM Act and the SECURE Act – the latter of which covers TPS and DED holders.<sup>9</sup> The Dream and Promise Act was passed by the U.S. House of Representatives in June 2019, with support from all nine members of the Massachusetts delegation. However, all the bills are stalled in the Senate. We need to keep pressuring Senators to permanently protect TPS holders *this year*.

## Contact your Senators and Senate leadership today: [bit.ly/DandPAct](https://bit.ly/DandPAct)

*This factsheet was written by Marion Davis. It was last updated on January 28, 2020.*

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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/homesec/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> 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>5</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>6</sup> 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](https://travel.state.gov/content/travel/csi_repository/csi_landing/csi_catalog/slv.html) (International Travel tab).

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

<sup>8</sup> See <http://www.miracoalition.org/news/809-dream-and-promise-act-is-an-important-step-forward-for-congress>.

<sup>9</sup> See <https://www.vanhollen.senate.gov/news/press-releases/van-hollen-cardin-feinstein-kaine-introduce-legislation-to-protect-tps-recipients>.