

December 4, 2017

The Honorable Elaine C. Duke
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

The Honorable L. Francis Cissna
Director of U.S. Citizenship and Immigration Services
111 Massachusetts Avenue, NW
Washington, D.C. 20008

RE: Publication of Temporary Protected Status Determinations

Dear Acting Secretary Duke and Director Cissna,

We the 126 undersigned represent organizations that are comprised of, represent, and advocate on behalf of Temporary Protected Status (TPS) holders. We write to request the immediate publication of the Federal Register Notices associated with the TPS determinations for Honduras, Nicaragua, and Haiti released on Nov. 6 and Nov. 20, respectively.

We are deeply troubled by what appears to be a trend under the current administration involving the release of TPS determinations on or after the 60-day statutory requirement as well as extended delays in the publication of Federal Register Notices. While we appreciate the amount of time and effort that goes into the decision process, we are deeply concerned about the impact of these delays.

The Immigration and Nationality Act requires, "at least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS and determine whether the conditions for the TPS designation continue to be met. The [Secretary] **shall provide on a *timely basis for the publication of notice of each such determination***, and, in the case of an affirmative decision, the period of extension . . . ". 8 U.S.C. § 1254a(b)(3)(A); INA § 244(b)(1) (emphasis added).

This year, the TPS determinations for Sudan and South Sudan were expected on Sept. 4. Two weeks later, USCIS released the TPS determinations for these countries, extending the designation for South Sudan and terminating the designation for Sudan. In that Sept. 18 communication, Acting Homeland Security Secretary Duke indicated the decision to terminate TPS for Sudan would be managed in an orderly fashion. Unfortunately, this announcement was followed by a Federal Register Notice that was posted for pre-publication and withdrawn,

causing confusion in the field and anxiety among TPS holders. The final Notice was published on Oct. 11, five weeks after the anticipated decision date.

Failure to provide clear and timely instruction to the public on the necessary steps and timelines to comply with these decisions is not only contrary to the statute but is inconsistent with the stated objective of orderly implementation. Prior TPS Federal Register Notices informed employers of employment verification (I-9), documentation, and other requirements.¹ Without this information, employers of TPS holders are unable to properly comply with I-9 processing in a manner consistent with the statute. Failure to timely publish Federal Register Notices also confuses TPS holder employees as to the documentation requirements for TPS, creating obstacles to the timely submission of applications for work authorization and efficient adjudication by the agency.

As a practical matter, the delayed issuance of the Federal Register Notices can have a costly impact on TPS holders and their families by potentially disrupting employment, travel and driving authorization, health insurance, and access to higher education. The delayed publication also inhibits meaningful and productive outreach by USCIS, foreign governments, and legal and social services providers attempting to provide guidance to constituents.

The delayed issuance of the Federal Register Notices also affects the TPS community by creating undue stress, panic, and suffering. This is particularly painful and confusing for TPS holders who have just learned that their TPS protection has been terminated.

In conclusion, the failure to timely publish Federal Register Notices is contrary to the statute and we urge you comply with these obligations. If you have any questions, please contact Jill Marie Bussey at the Catholic Legal Immigration Network, Inc. at jbussey@cliniclegal.org.

Sincerely,

Access Living
Alianza Americas
American Friends Service Committee
American Immigration Lawyers Association
Asian Americans Advancing Justice - Atlanta
CAMBA, Inc.
CARECEN-DC
CARECEN SF

¹ See Extension of the Designation of Haiti for Temporary Protected Status, May 24, 2017, www.federalregister.gov/documents/2017/05/24/2017-10749/extension-of-the-designation-of-haiti-for-temporary-protected-status.

CASA

Casa Mary Johanna

Casa Reina

Catholic Charities Archdiocese of Boston

Catholic Charities Community Services, Archdiocese of New York

Catholic Charities of Pueblo

Catholic Charities of Raleigh

Catholic Charities of the Archdiocese of Washington

Catholic Charities Tompkins/Tioga

Catholic Legal Immigration Network, Inc.

Catholic Migration Services

Catholic Social Services

Central Florida AFL-CIO

Central Florida Jobs with Justice

Centro Comunitario CEUS

Centro Presente

Centro Romero

Chelsea Collaborative, Inc.

Church Council of Greater Seattle

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Community Legal Advocate of New York

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Congregation of St. Joseph

Connecticut Institute for Refugees and Immigrants

CRECEN - Houston

Dominican Development Center/ Immigrant Defense Project

Dominican Sisters of Adrian, Michigan

Dominican Sisters of Houston

Ecumenical Ministries of Oregon

El Centro Hispano, Inc.

El Paracaidista

Fair Immigration Reform Movement (FIRM)

Faith in Florida

FANM-Haitian Women of Miami

First Congregational United Church of Christ

FL Immigrant Coalition

Florida Center for Fiscal and Economic Policy

Florida Student Power Network
Franciscan Action Network
Franklin County Legal Services
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Global Justice Clinic, NYU Law *This communication does not purport to represent the institutional views, if any of NYU
Grand Island Latino Network
Greater New York Labor Religion Coalition
Haitian-Americans United for Progress
Haitian Clergy Association
Harvard College Act On a Dream
Hodureños Unidos de Tampa
Hondurans Against AIDS
Hope CommUnity Center
Houston's America For All
Immigrant Legal Advocacy Project
Immigrant Legal Center of Boulder County
Immigrant Legal Resource Center
Immigrant Rights Clinic at NYU School of Law
Inter-faith Coalition on Immigration, MN
Interfaith Council of Contra Costa County
InterReligious Task Force on Central America and Colombia
Iowa Justice For Our Neighbors
IUC Ministerios Rios de Agua Viva/Joy Like A River UCC
Jefferson County Immigrant Rights Advocates
Jesuit Social Research Institute/Loyola University New Orleans
Justice For Our Neighbors (Houston, TX)
Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, U.S. Province
Kentucky Equal Justice Center
Kitsap Immigrant Assistance Center
La Casa de Amistad
La Comunidad, Inc.
La Union del Pueblo Entero
Latin America Working Group (LAWG)
Latin American Legal Defense and Education Fund (LALDEF)
Latino Commission on AIDS
Law Office of Steffani Powell

Leadership Conference of Women Religious
Lutheran Church of Our Redeemer
Lutheran Immigration and Refugee Service
Lutheran Social Services of New York
Maryknoll Office for Global Concerns
Mi Casa
Mi Familia Vota
National Advocacy Center of the Sisters of the Good Shepherd
National Justice for Our Neighbors
New Florida Majority
New York Immigration Coalition
New York Law School Asylum Clinic
NHCUCC Immigration Group
Office of Social Justice, Christian Reformed Church in North America
Orange County Classroom Teachers Association
Organize Florida
Our Lady Queen of Peace Catholic Church
Pax Christi USA Ambassador of Peace
PICO National Network
Presbyterian Church (U.S.A.)
Presentation Sisters at Caminando Juntos
Project IRENE
Queer Detainee Empowerment Project
Red Mexicana de Lideres y Organizaciones Migrantes
Reformed Church of Highland Park
Refugee & Immigration Ministries, Christian Church (Disciples of Christ)
Saint Patrick's Church, Baltimore
Salvadoran American National Network (SANN)
Salvadoran Association of Los Angeles /ASOSAL
School Sisters of Notre Dame - Central Pacific Province
SEIU 32BJ
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas - Institute Justice Team
Sisters of Mercy of the Holy Cross
Sisters of Mercy West Midwest Community Justice Team
Sisters of Saint Joseph of Chestnut Hill, Philadelphia
Sisters of St. Joseph of the Third Order of St. Francis
Sisters of the Living Word

South Florida Interfaith Worker Justice
Students Working for Equal Rights
Tennessee Immigrant and Refugee Rights Coalition
The Episcopal Church of Saint Paul et les Martyrs d'Haiti
The Farmworker Association of Florida, Inc.
The Right to Immigration Institute (TRII)
Unitarian Universalist Mass Action Network
United Families
Wallingford Indivisible
WeCount!
Women Working Together USA
Youth and Young Adult Network of the Farmworker Ministry

cc: Julie Kirchner, Citizenship and Immigration Services Ombudsman at the Department of
Homeland Security
Oliver Potts, Director, Office of Federal Register



U.S. Citizenship
and Immigration
Services

June 11, 2018

Ms. Jill Marie Bussey
Director of Advocacy
Catholic Legal Immigration Network
8757 Georgia Avenue, Suite 850
Silver Spring, Maryland 20910

Dear Ms. Bussey:

Thank you for your December 4, 2017 letter to the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS). Secretary Nielsen asked that I respond on her behalf.

The Secretary of Homeland Security's authority to designate a country for Temporary Protected Status (TPS) and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

Prior to the current expiration date for an existing TPS designation, the Secretary of Homeland Security reviews conditions in the foreign country and, after consultation with other appropriate federal agencies, determines whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation continue to be met with respect to a given country, the Secretary extends the designation. But if the Secretary determines that the conditions are no longer met with respect to that country, she is required to terminate the designation. Additional information regarding TPS designations is available in the *Federal Register* and on the USCIS website. Recent TPS decisions are the subject of ongoing litigation; therefore, we are unable to comment further.

Thank you again for your letter and interest in this important issue. Please feel free to share this information with your co-signers. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director