

United States Senate

WASHINGTON, DC 20510

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By ESEC at 1:49 pm, Jul 08, 2022

July 8, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Secretaries Blinken and Mayorkas:

We write to express our concerns about the uptick in armed violence in Venezuela, and growing humanitarian needs resulting in people being forced to flee Venezuela, and to appeal for you to extend and redesignate Venezuela for Temporary Protected Status (TPS).

On March 8, 2021, the Biden administration designated Venezuela for TPS for a period of 18 months. Since the designation over a year ago, threats to civilians by armed actors, the complete erosion of the rule of law, and the systemic collapse of vital infrastructure have forced nearly half a million additional people to flee the country, bringing the total number of Venezuelan refugees to over six million. According to UNHCR, "People continue to leave Venezuela to escape violence, insecurity and threats as well as lack of food, medicine and essential services." As Human Rights Watch explains, "Venezuela is facing a severe humanitarian emergency, with millions unable to access basic healthcare and adequate nutrition. . . [t]he exodus of Venezuelans fleeing repression and the humanitarian emergency represents the largest migration crisis in recent Latin American history." We therefore request that you extend and redesignate Venezuela for TPS on the basis of extraordinary levels of violence and humanitarian needs.

The Maduro regime's kleptocratic approach to governance has led to the proliferation of groups recognized by the United States as foreign terrorist organizations (FTOs) in Venezuela, including dissidents of the Revolutionary Armed Forces of Colombia (FARC-EP) and the National Liberation Army (ELN). The FTOs have captured Venezuelan territory, increasing the complexity of the violence that drives displacement. On January 7, 2022, Colombia's Attorney General's Office issued a warning that the fight between dissident forces of the FARC and the ELN was expanding. Thousands of people have been displaced – but data is severely lacking due to the Maduro regime's constraints on humanitarian access.

In addition to the uptick in violence over the past year, humanitarian needs have increased, contributing to the extraordinary and temporary conditions that merit a TPS redesignation. The Maduro regime has continued perpetuating crimes against humanity, turned a blind eye to the forced recruitment of children, generated an increase in refugees and displaced people, exacerbated food insecurity, and limited access to water, medical care, and humanitarian assistance. As a result, six million people have fled the country, and seven million people in Venezuela are in urgent need of humanitarian assistance, according to the United Nations.

Despite these deeply troubling conditions, the Maduro regime has taken steps to constrain the operations of humanitarian organizations trying to assist Venezuelans.

Ensuring legal protections for Venezuelans temporarily in the United States has garnered bipartisan support. President Trump, on the very last day of his presidency, announced Deferred Enforced Departure for Venezuelans. After President Biden took office, his administration designated Venezuela for TPS almost immediately. Last March, USCIS estimated that approximately 323,000 people would be eligible for TPS under the current designation. As of May 5, 76,450 Venezuelans had been approved for TPS status and protected from returning to unsafe conditions. Many have filled critical job vacancies in the United States, aiding our economic recovery from the pandemic. The TPS designation has also sent an unmistakable signal of support for victims of Maduro's repression and crimes against humanity.

An estimated 250,000 Venezuelans arrived in the United States in 2021 and during the first half of 2022 – a fraction of the total number of displaced Venezuelans in the region. Since the extraordinary and temporary conditions preventing their safe return continue to persist, a redesignation of TPS will allow Venezuelans who have arrived since the previous TPS designation to economically support themselves and the communities that have welcomed them. Denying access to TPS to more recent arrivals will not serve as an effective deterrent to future border crossings given the desperation of Venezuelans to flee unsustainable conditions. It will simply ensure that Venezuelans will live in poverty and at risk of deportation in the United States, with no other options.

We acknowledge your efforts to coordinate a whole of region response to the unprecedented refugee and migration challenges in our hemisphere. We commend the Colombian government's February 2021 announcement of a ten-year temporary protection status (TPS) for over 1.8 million Venezuelans currently living in the country and those entering via official checkpoints. We urge your continued efforts to protect displaced Venezuelans wherever they are, including in the United States.

We ask that you acknowledge the deteriorating conditions in Venezuela since the March 8, 2021 designation and take the necessary steps to extend and redesignate Venezuela for TPS.

We thank you for your commitment to these issues, and look forward to engaging further.

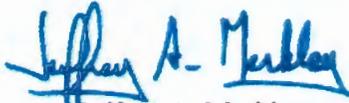
Sincerely,



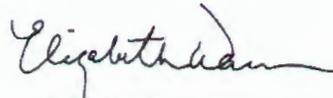
Robert Menendez
United States Senator



Richard J. Durbin
United States Senator



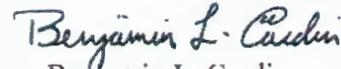
Jeffrey A. Merkley
United States Senator



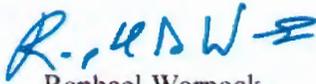
Elizabeth Warren
United States Senator



Patrick Leahy
United States Senator



Benjamin L. Cardin
United States Senator



Raphael Warnock
United States Senator



Bernard Sanders
United States Senator



Ben Ray Lujan
United States Senator



Alex Padilla
United States Senator



Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



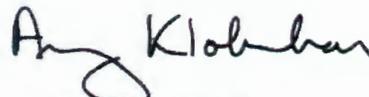
Edward J. Markey
United States Senator



Tim Kaine
United States Senator



Kirsten Gillibrand
United States Senator



Amy Klobuchar
United States Senator

Ron Wyden

Ron Wyden
United States Senator

Chris Coons

Christopher A. Coons
United States Senator

Michael F. Bennet

Michael F. Bennet
United States Senator

Catherine Cortez Masto

Catherine Cortez Masto
United States Senator

Tom Carper

Thomas R. Carper
United States Senator

Patty Murray

Patty Murray
United States Senator



U.S. Citizenship
and Immigration
Services

September 20, 2022

The Honorable Robert Menendez
United States Senate
Washington, DC 20510

Dear Senator Menendez:

Thank you for your July 8, 2022 letter to the U.S. Department of Homeland Security in support of Temporary Protected Status (TPS) for Venezuela. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program, and Secretary Mayorkas asked that I respond on his behalf.

I appreciate the concerns you have outlined regarding the situation in Venezuela and your interest in its redesignation for TPS. As you know, on July 11, 2022, after careful consideration, including a thorough review of the country conditions and consultation with interagency partners, Secretary Mayorkas extended the designation of TPS for Venezuela for 18 months.¹

This extension will be in effect from September 10, 2022, through March 10, 2024 and allows the approximately 343,000 Venezuelans who were in the United States at the time of the initial designation in March of 2021 to continue to be eligible for TPS and remain in the United States under protected status.² The *Federal Register* notice provides for the automatic extension of employment authorization documents that expire on September 9, 2022 and includes information about fees and how applicants may request a fee waiver, if necessary.

USCIS will continue to process pending TPS applications. Applicants with a pending Form I-821, Application for Temporary Protected Status, or Form I-765, Application for Employment Authorization, will not need to file either application again. If USCIS approves a pending Form I-821 that was filed during the initial designation of TPS for Venezuela, USCIS will grant the applicant TPS through March 10, 2024. Similarly, if USCIS approves a pending TPS-related Form I-765 for an initial applicant, USCIS will issue a new Employment Authorization Document (EAD) valid through March 10, 2024. USCIS will also plan and coordinate outreach opportunities regarding the extension of TPS for Venezuela to provide information and answer questions from the public.

¹ <https://www.dhs.gov/news/2022/07/11/dhs-announces-extension-temporary-protected-status-venezuela>

² See Extension of the Designation of Venezuela for Temporary Protected Status (87 FR 55024), available at <https://www.federalregister.gov/documents/2022/09/08/2022-19527/extension-of-the-designation-of-venezuela-for-temporary-protected-status>.

USCIS is committed to the timely and efficient processing of all applications. Reducing backlogs and timely processing of cases is the highest priority of the agency. Recently, USCIS set agency-wide backlog reduction goals, expanded premium processing to additional form types, and continues working to improve timely access to EADs. The recent Temporary Final Rule to increase the automatic EAD extension from up to 180 days to up to 540 days for certain renewal applicants, to include TPS applicants and beneficiaries with an approved EAD, not only allows applicants to avoid gaps in employment and maintain continuity of operations for U.S. employers, it affords USCIS the time it needs to address staffing shortages and implement additional efficiencies. The recent successful launch of online filing for all TPS designated countries is also notable, as it ensures an easier application process and faster receipt of all TPS applications for processing. We will continue to identify opportunities to support our efforts to timely process applications for TPS and related documents.

This extension is one of many ways the Biden administration, together with our regional partners, is providing humanitarian support to Venezuelans at home and abroad, including providing additional humanitarian and development funding, encouraging regional partners to offer protective status, and creating a path to a regular migration status for Venezuelans. In addition, USCIS also offers support that may be available upon request to assist eligible Venezuelan nationals who have been affected by special situations, including the following:

- Change or extension of nonimmigrant status if eligible Venezuelan nationals are currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the special situation; and,
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information on these options is available on our website at <https://www.uscis.gov/humanitarian/special-situations>.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal line extending to the right.

Ur M. Jaddou
Director