



**Congressional
Research Service**

Informing the legislative debate since 1914

Temporary Protected Status: Current Immigration Policy and Issues

Carla N. Argueta

Analyst in Immigration Policy

Ruth Ellen Wasem

Specialist in Immigration Policy

February 18, 2016

Congressional Research Service

7-5700

www.crs.gov

RS20844

Summary

When civil unrest, violence, or natural disasters erupt in spots around the world, concerns arise over the safety of foreign nationals from these troubled places who are in the United States. Provisions exist in the Immigration and Nationality Act (INA) to offer temporary protected status (TPS) and other blanket forms of relief from removal under specified circumstances. A foreign national who is granted TPS receives a registration document and an employment authorization for the duration of TPS.

The United States currently provides TPS to over 300,000 foreign nationals from a total of 13 countries: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, Syria, and Yemen. Liberians have had relief from removal for the longest period, first receiving TPS in March 1991 following the outbreak of civil war, and again in 2014 due to the outbreak of the Ebola virus disease. The Administration designated TPS for foreign nationals from Yemen in 2015 due to the ongoing armed conflict in the country. Pressure is now on the Administration to extend TPS to migrants from Central America because of criminal and security challenges in the region.

Under the INA, the executive branch grants TPS or relief from removal. The Secretary of Homeland Security, in consultation with the Secretary of State, has the discretion to issue TPS for periods of 6 to 18 months and can extend these periods if conditions do not change in the designated country. Congress has also provided TPS legislatively.

Contents

Background	1
Humanitarian Migrants.....	1
Temporary Protected Status.....	2
Other Blanket Forms of Relief	3
Nationalities Receiving Temporary Protections	3
Historical Patterns of Blanket Relief.....	4
Leading Concerns.....	5
Nepal	5
Guinea and Sierra Leone	5
Syria	6
Yemen.....	6
Haiti.....	7
Liberia	8
Central America	8
Adjustment of Status	9

Tables

Table 1. Countries Whose Nationals in the United States Currently Benefit from Temporary Protected Status.....	4
---	---

Contacts

Author Contact Information	10
----------------------------------	----

Background

The Immigration and Nationality Act (INA) provides that all aliens (i.e., persons who are not citizens or nationals of the United States) must enter the United States pursuant to the INA. The major categories of aliens are immigrants, refugees and asylees (all admitted for or adjusted to legal permanent residence), and nonimmigrants (admitted for temporary reasons, e.g., students, tourists, or business travelers). Foreign nationals who lack proper immigration authorization are generally of three kinds: (1) those who overstay their nonimmigrant visas, (2) those who enter the country surreptitiously without inspection, and (3) those who are admitted on the basis of fraudulent documents. In all three instances, the aliens are in violation of the Immigration and Nationality Act (INA) and subject to removal.

As a signatory to the United Nations Protocol Relating to the Status of Refugees (hereinafter, U.N. Protocol), the United States agrees to the principle of *nonrefoulement*, which means that it will not return an alien to a country where his life or freedom would be threatened. Nonrefoulement is embodied in several provisions of U.S. immigration law. Most notably, it is reflected in the provisions requiring the government to withhold the removal of aliens to a country in which the alien's life or freedom would be threatened on the basis of race, religion, nationality, membership in a particular social group, or political opinion.¹

Humanitarian Migrants

Humanitarian migrants may receive asylum or refugee status; however, not all humanitarian migrants are eligible for such status. The legal definition of asylum in the INA is consistent with the U.N. Protocol, which specifies that a refugee is a person who is unwilling or unable to return to his country of nationality or habitual residence because of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The definitions of refugee and asylee are essentially the same in the INA, with the notable difference being the physical location of the persons seeking the status. Those who are in the United States or at a U.S. port of entry apply for asylum, while those who are displaced abroad apply for refugee status. The standards of proof and minimum thresholds are similar, but the procedures and priorities are quite different.²

If the motivation of the migrant is determined to be economic improvement rather than the political reasons that underpin the legal definition, the person is not considered eligible for asylum. This distinction is sometimes difficult to discern, because persecution as well as war may lead to economic hardships, and economic deprivation may trigger persecution or insurrection. Since factors such as extreme poverty, deprivation, violence, and the dislocation brought on by famines or natural disasters may evoke a humanitarian response, the term humanitarian migrants encompasses all those who emigrate to the United States for such reasons, including those who receive asylum.³

¹ Section 208 of INA (8 U.S.C. §1158); Section 241(b)(3) of INA (8 U.S.C. §1231); and Section 101(a) of INA (8 U.S.C. §1101(a)(42)).

² CRS Report R41753, *Asylum and "Credible Fear" Issues in U.S. Immigration Policy*, by Ruth Ellen Wasem; and CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

³ The term "humanitarian migrant" is not defined in the INA, nor, in this context, is it meant to imply that a sympathetic policy response is warranted. Rather, it refers to factors underlying the alien's justification for immigration.

The concept of “safe haven” embraces humanitarian migrants. It covers those who may not meet the legal definition of refugee but are nonetheless fleeing potentially dangerous situations. Safe haven also assumes that the host country, in this instance the United States, is the first country in which the fleeing alien arrives safely, or is the country where the alien is temporarily residing when the unsafe conditions occur. Safe haven is implicitly temporary in nature because it is given prior to any decision on the long-term resolution of the alien’s status. It is also a form of blanket relief because it is premised on more generalized conditions of turmoil or deprivation in the country of origin, in contrast to the individual circumstances weighed in the case-by-case asylum process.

In terms of permanent residence over the long term, the United States endorses the internationally held position that voluntary repatriation is the best outcome for refugees. Resettlement in the country to which the asylum seeker fled is considered a secondary option, and resettlement in a third country as the last alternative.

Temporary Protected Status

Temporary Protected Status (TPS) is the statutory embodiment of safe haven for those aliens who may not meet the legal definition of refugee but are nonetheless fleeing—or reluctant to return to—potentially dangerous situations. TPS is blanket relief that may be granted under the following conditions: there is ongoing armed conflict posing serious threat to personal safety; a foreign state requests TPS because it temporarily cannot handle the return of nationals due to environmental disaster; or there are extraordinary and temporary conditions in a foreign state that prevent aliens from returning, provided that granting TPS is consistent with U.S. national interests.⁴

The Secretary of Homeland Security, in consultation with the Secretary of State, can issue TPS for periods of 6 to 18 months and can extend these periods if conditions do not change in the designated country. To obtain TPS, eligible aliens report to the U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS), pay a processing fee, and receive registration documents and a work authorization. The major requirements for aliens seeking TPS are proof of eligibility (e.g., a passport issued by the designated country, continuous physical presence in the United States since the date TPS went into effect, timely registration, and being otherwise admissible as an immigrant). The regulation specifies grounds of inadmissibility that cannot be waived, including those relating to criminal convictions and the persecution of others.⁵

Aliens who receive TPS are not on an immigration track that leads to permanent residence or citizenship. The “temporary” nature of TPS is apparent in the regulation. DHS has made clear that information it collects when an alien registers for TPS may be used to institute exclusion or deportation proceedings upon the denial, withdrawal, or expiration of TPS.⁶ Moreover, the TPS provision in the INA states that a bill or amendment that provides for the adjustment to lawful temporary or legal permanent resident (LPR) status for any alien receiving TPS requires a supermajority vote in the Senate (i.e., three-fifths of all Senators) voting affirmatively.⁷

⁴ Section 244 of INA (8 U.S.C. §1254a).

⁵ 8 U.S.C. §240.

⁶ *Ibid.*

⁷ Section 244(h) of INA (8 U.S.C. §1254a).

Other Blanket Forms of Relief

In addition to TPS, two other discretionary forms of blanket relief from removal known as deferred enforced departure (DED)⁸ and extended voluntary departure (EVD)⁹ are available options. The discretionary procedures of DED and EVD have been used on a country-specific basis to provide relief the Administration feels is appropriate, usually in response to war, civil unrest, or natural disasters. Several presidents, notably President George H.W. Bush and President Barack Obama, have cited presidential authority under the U.S. Constitution when they issued executive orders providing DED.¹⁰ The statutory authorities typically cited by the agency for DED and EVD procedures are the section of immigration law that confers prosecutorial discretion for general enforcement and the section of the law covering the authority for voluntary departure.¹¹ Unlike TPS, the Secretary of State need not be consulted when DED or EVD is granted.

The discretionary procedures of DED and EVD continue to be used to provide relief the Administration maintains is appropriate, and the executive branch's position is that all blanket relief decisions require a balance of judgment regarding foreign policy, humanitarian, and immigration concerns. In contrast to TPS, aliens who benefit from EVD or DED do not necessarily register for the status with USCIS, but they trigger the protection when they are identified for deportation. If, however, they wish to be employed in the United States, they must apply for a work authorization from USCIS.

Nationalities Receiving Temporary Protections

The United States currently provides TPS to over 300,000 foreign nationals from a total of 13 countries: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, Syria, and Yemen. The estimated numbers of aliens currently protected range from 75 South Sudanese to 204,000 Salvadorans. Liberians have had relief from removal for the longest period, first receiving TPS in March 1991 following the outbreak of civil war, then designated with DED, and ultimately receiving TPS in November 2014 due to the Ebola outbreak.

⁸ DED is not to be confused with deferred action, which the Department of Homeland Security defines as “a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion.” CRS Report R43852, *The President's Immigration Accountability Executive Action of November 20, 2014: Overview and Issues*, coordinated by William A. Kandel; and CRS Report R43747, *Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions*, by Andorra Bruno.

⁹ In the past, EVD status has been given to Poles (July 1984 to March 1989), Nicaraguans (July 1979 to September 1980), Iranians (April to December 1979), and Ugandans (June 1978 to September 1986). Lebanese had been handled sympathetically as a group, getting EVD on a case-by-case basis since 1976, prior to receiving TPS from 1991 to 1993. Other countries whose nationals have benefitted in the past from a status similar to EVD include Cambodia, Cuba, Chile, Czechoslovakia, Dominican Republic, Hungary, Laos, Rumania, and Vietnam.

¹⁰ Executive Order 12711, “Policy Implementation With Respect to Nationals of the People’s Republic of China,” *Public Papers of the Presidents of the United States: George Bush XLI, President of the United States: 1989-1993* (Washington: GPO, 1990); and Memorandum for the Secretary of Homeland Security from President Barack Obama on the Subject of Deferred Enforced Departure for Liberians, September 26, 2014.

¹¹ Section 240 of INA (8 U.S.C. §1229a); §240B (8 U.S.C. §1229c).

Table I. Countries Whose Nationals in the United States Currently Benefit from Temporary Protected Status

Country	Arrival Date ^a	Current Expiration Date	Estimated Number ^b
El Salvador	February 13, 2001	September 9, 2016	204,000
Guinea	November 20, 2014	May 21, 2016	2,000
Haiti	January 12, 2011	July 22, 2017	50,000
Honduras	December 30, 1998	July 5, 2016	61,000
Liberia	November 20, 2014	May 21, 2016	4,000
Nepal	June 24, 2015	December 24, 2016	10,000-25,000
Nicaragua	December 30, 1998	July 5, 2016	2,800
Sierra Leone	November 20, 2014	May 21, 2016	2,000
Somalia	May 1, 2012	March 17, 2017	270
South Sudan	January 25, 2016	November 2, 2017	50-200 ^c
Sudan	January 9, 2013	November 2, 2017	450
Syria	January 5, 2015	September 30, 2016	5,000
Yemen	September 3, 2015	March 3, 2017	500- 2,000

Source: CRS compilation of USCIS data.

- a. The arrival date represents the date from which individuals are required to continuously reside in the United States in order to qualify for TPS. The date for continuous residence is determined by the most recent TPS designation for that state. Continuous physical presence is another requirement for TPS eligibility and is a date designated by the Secretary of Homeland Security. A migrant is not considered to have failed these requirements for a brief, casual, and innocent absence. 8 U.S.C. §1254a(c).
- b. Estimates based upon USCIS data for designated status or work authorizations. These approximate numbers do not necessarily include all aliens from the countries who are in the United States and might be eligible for the status. USCIS updates these numbers when it renews TPS for nationals from a given country.
- c. There are approximately 50 South Sudan TPS beneficiaries and it is estimated that an additional 25-150 nationals of South Sudan (or individuals without nationality who last resided in South Sudan) may be eligible for TPS under the country's last TPS re-designation in January 2016.

Historical Patterns of Blanket Relief

In 1990, when Congress enacted the TPS statute, it also granted TPS for one year to nationals from El Salvador who were residing in the United States. Subsequently, the Attorney General, in consultation with the State Department, granted TPS to aliens in the United States from the following countries: Liberia from March 1991 to October 2007; Kuwait from March 1991 to March 1992; Rwanda from June 1995 to December 1997; Lebanon from March 1991 to March 1993; the Kosovo Province of Serbia from June 1998 to December 2000; Bosnia-Herzegovina from August 1992 to February 2001; Angola from March 29, 2000, to March 29, 2003; Sierra Leone from November 4, 1997, to May 3, 2004; and Burundi from November 4, 1997, to May 2, 2009.

On July 9, 2011, South Sudan became a new nation.¹² With South Sudan's independence from the Republic of Sudan, which has had TPS since 1997, some questioned their continued eligibility for

¹²CRS In Focus IF10218, *South Sudan*, by Lauren Ploch Blanchard; and CRS In Focus IF10182, *Sudan: An Overview*, by Lauren Ploch Blanchard.

TPS under the Sudan designation. With the new designation of South Sudan, some individuals now qualify for TPS under the South Sudanese designation, while others may still qualify under the Sudan designation.¹³

Rather than extending Salvadoran TPS when it expired in 1992, the George H. W. Bush Administration granted DED to what was then estimated as 190,000 Salvadorans through December 1994. The George H. W. Bush Administration also granted DED to about 80,000 Chinese following the Tiananmen Square massacre in June 1989, and the Chinese retained DED through January 1994. In December 1997, President Clinton instructed the Attorney General to grant DED to the Haitians for one year due to country conditions.

Leading Concerns

Nepal

Nepal was devastated by a massive 7.8 magnitude earthquake on April 25, 2015, killing over 8,000 people. The earthquake and subsequent aftershocks demolished much of Nepal's housing and infrastructure. Over half a million homes were reportedly destroyed.¹⁴ On June 24, 2015, citing a substantial but temporary disruption in living conditions as a result of the earthquake, DHS Secretary Jeh Johnson designated Nepal for TPS for an 18-month period.¹⁵ It is estimated that 10,000 to 25,000 nationals of Nepal are eligible for TPS under this designation. TPS for Nepal is set to expire on December 24, 2016.¹⁶

Guinea and Sierra Leone

In January 2014, the Ebola virus disease was detected in West Africa, beginning in Guinea and spreading to Liberia, and Sierra Leone.¹⁷ On November 21, 2014, Secretary of Homeland Security Jeh Johnson designated Guinea and Sierra Leone for TPS through May 21, 2016,¹⁸ citing the outbreak of the Ebola in West Africa.¹⁹ The current Ebola outbreak, the first in West Africa, is the largest outbreak and as of November 21, 2014, over 2,400 had died in the two countries and there had been over 6,700 reported cases.²⁰ On June 25, 2015, the Administration extended the registration period for TPS, which expired on May 21, 2015, to August 18, 2015.²¹

¹³ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Designation of Republic of South Sudan for Temporary Protected Status," 76, 198 *Federal Register* 63629-63635, October 13, 2011.

¹⁴ CRS Report R44303, *Nepal: Political Developments and U.S. Relations*, by Bruce Vaughn.

¹⁵ Previously, legislation was introduced in the House (Nepal Temporary Protected Status Act of 2015; H.R. 2033) that would designate Nepal for TPS.

¹⁶ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Designation of Nepal for Temporary Protected Status," 80 *Federal Register* 36346-36350, June 24, 2015.

¹⁷ CRS In Focus IF10300, *Ebola in West Africa: Issues with Elimination*, by Tiaji Salaam-Blyther.

¹⁸ Liberians were also designated for TPS in the announcement. See **Liberians** below.

¹⁹ U.S. Citizenship and Immigration Services, "Designation of Guinea and Sierra Leone for Temporary Protected Status," 79 *Federal Register* 69502-69502, November 21, 2014; U.S. Citizenship and Immigration Services, "Designation of Guinea for Temporary Protected Status," 79 *Federal Register* 69511-69515, November 21, 2014; and U.S. Citizenship and Immigration Services, "Designation of Sierra Leone for Temporary Protected Status," 79 *Federal Register* 69506-69511, November 21, 2014.

²⁰ As of February 14, 2016, the Ebola breakout in Sierra Leone and Guinea had resulted in 17,928 reported cases and 6,492 reported deaths. In addition, Liberia had 10,675 reported Ebola cases and 4,809 deaths, Centers for Disease Control and Prevention, *2014 Ebola Outbreak in West Africa - Case Counts*, Atlanta, GA, February 17, 2016, (continued...)

Syria

The political uprising of 2011 in Syria soon grew into an intensely violent civil war that had displaced over 6 million people by 2014.²² On March 29, 2012, then-Secretary of Homeland Security Janet Napolitano designated the Syrian Arab Republic (Syria) for TPS through September 30, 2013, citing temporary extraordinary conditions that would make it unsafe for Syrian nationals already in the United States to return to the country.²³ Foreign nationals from Syria are among those subject to additional security screenings and background checks in order to obtain a visa to come to the United States because Syria is deemed a state sponsor of terrorism.²⁴ The ongoing uprising against Syrian President Bashar al Asad had escalated to the point that then-DHS Secretary Napolitano said “conditions in Syria have worsened to the point where Syrian nationals already in the United States would face serious threats to their personal safety if they were to return to their home country.” In the initial granting of TPS, Napolitano made clear that DHS would conduct full background checks on Syrians registering for TPS.²⁵ On January 5, 2015, TPS was once again extended for Syria through September 30, 2016.²⁶

Yemen

The civil war in Yemen reached crisis proportions last year, and the United Nations estimated that at least 5,878 people had been killed in the violence as of December 2015.²⁷ Additionally, relief efforts to the region have been difficult to deliver due to ongoing violence and considerable damage to the country’s infrastructure. A DHS release stated that “requiring Yemeni nationals in the United States to return to Yemen would pose a serious threat to their personal safety.”²⁸ On September 3, 2015, Secretary of Homeland Security Johnson designated Yemen for TPS through March 3, 2017, due to the ongoing armed conflict in the country. The Secretary cited that the conflict has affected 21 of Yemen’s 22 governorates and “has caused an acute and rapidly

(...continued)

<http://www.cdc.gov/vhf/ebola/outbreaks/2014-west-africa/case-counts.html>. See CRS Report IF00044, *Ebola: 2014 Outbreak in West Africa*, by Nicolas Cook and Tiaji Salaam-Blyther (available upon request).

²¹ See U.S. Citizenship and Immigration Services, “Extension of the Initial Registration Period for Guinea, Liberia and Sierra Leone for Temporary Protected Status,” 80 *Federal Register*, Number 122, 36551-36552.

²² CRS Report R43119, *Syria: Overview of the Humanitarian Response*, by Rhoda Margesson and Susan G. Chesser; and CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard.

²³ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Designation of Syrian Arab Republic for Temporary Protected Status,” 61 *Federal Register* 19026-19030, March 29, 2012.

²⁴ No nonimmigrant visa under §101(a)(15) of the INA shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate U.S. agencies, that such alien does not pose a threat to the safety or national security of the United States.

²⁵ Secretary of Homeland Security Janet Napolitano, “Temporary Protected Status (TPS) for Syrian Nationals,” press release, March 23, 2012, <http://www.dhs.gov/ynews/releases/20120323-napolitano-statement-syria-tps.shtm>.

²⁶ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Extension and Redesignation of Syrian Arab Republic for Temporary Protected Status,” 77, 80 *Federal Register* 245-252, January 5, 2015.

²⁷ CRS Report R43960, *Yemen: Civil War and Regional Intervention*, by Jeremy M. Sharp.

²⁸ U.S. Citizenship and Immigration Services, “DHS Announces Temporary Protected Status Designation for Yemen,” press release, September 3, 2015, <http://www.uscis.gov/news/dhs-announces-temporary-protected-status-designation-yemen>

deteriorating humanitarian crisis” within the country. It is estimated that 500-2,000 nationals of Yemen may be eligible for TPS.²⁹

Haiti

The devastation caused by the January 12, 2010, earthquake in Haiti prompted calls for the Obama Administration to grant TPS to Haitians in the United States at the time of the earthquake.³⁰ The scale of humanitarian crisis after the earthquake—estimated thousands of Haitians dead and reported total collapse of the infrastructure in the capital city of Port au Prince—led DHS to grant on January 15, 2010, TPS for 18 months to Haitian nationals who were in the United States as of January 12, 2010. Then-Secretary Janet Napolitano stated: “Providing a temporary refuge for Haitian nationals who are currently in the United States and whose personal safety would be endangered by returning to Haiti is part of this Administration’s continuing efforts to support Haiti’s recovery.”³¹ On July 13, 2010, Napolitano announced an extension of the TPS registration period for Haitian nationals. Citing the difficulties nationals were experiencing in obtaining documents to establish identity and nationality, and the difficulty in gathering the funds required to apply for TPS, the registration period was extended through January 18, 2011.³²

Then-Secretary Napolitano extended and re-designated TPS for Haitians on May 17, 2011. The extension was effective July 23, 2011, and enabled eligible individuals who arrived up to one year after the earthquake in Haiti to receive TPS. The re-designation targeted individuals who were allowed to enter the United States immediately after the earthquake on temporary visas or humanitarian parole but were not covered by the initial TPS grant. The extension and re-designation was for a period of 18 months, through January 22, 2013.³³ Subsequently, the DHS Secretary extended the designation of Haiti for TPS for 18 months from January 23, 2013, through July 22, 2014.³⁴ In March 2014, TPS for Haiti was extended until January 22, 2016.³⁵

On August 25, 2015, TPS for Haiti was extended for the third time since its re-designation in 2011.³⁶

²⁹ U.S. Citizenship and Immigration Services, “Extension of the Designation of Yemen for Temporary Protected Status,” 80 *Federal Register* 53319-53323, September 3, 2015.

³⁰ The issue of Haitian TPS has arisen several times in the past few years, most notably after the U.S. Ambassador declared Haiti a disaster in September 2004 due to the magnitude of the effects of Tropical Storm Jeanne. A series of tropical cyclones in 2008 resulted in hundreds of deaths and led some to label the city of Gonaives uninhabitable.³⁰ The Administration of President George W. Bush did not grant TPS or other forms of blanket relief to Haitians, nor was legislation that would have provided TPS to Haitians, such as H.R. 522 in the 110th Congress, enacted. Opponents to Haitian TPS traditionally argue that it would result in an immigration amnesty for unauthorized Haitians and foster illegal migration from the island. CRS Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by Ruth Ellen Wasem.

³¹ U.S. Department of Homeland Security, “Statement from Secretary Janet Napolitano,” press release, January 15, 2010.

³² U.S. Citizenship and Immigration Services, “Extension of the Initial Registration Period for Haitians Under the Temporary Protected Status Program,” 75 *Federal Register* 39957, July 13, 2010.

³³ U.S. Department of Homeland Security, “Secretary Napolitano Announces Extension of Temporary Protected Status for Haitian Beneficiaries,” press release, May 17, 2011.

³⁴ U.S. Citizenship and Immigration Services, “Extension of the Designation of Haiti for Temporary Protected Status,” 77 *Federal Register* 59943-59948, October 1, 2012.

³⁵ U.S. Citizenship and Immigration Services, “Extension of the Designation of Haiti for Temporary Protected Status,” 79 *Federal Register* 11808-11814, March 3, 2014.

³⁶ U.S. Citizenship and Immigration Services, “Extension of the Designation of Haiti for Temporary Protected (continued...)”

Liberia

Liberians in the United States have had relief from removal for the longest period of those who have had TPS or other forms of blanket relief from deportation. They first received TPS in March 1991 following the outbreak of civil war. Although that civil war ended, a second civil war began in 1999 and escalated in 2000.³⁷ Approximately 10,000 Liberians in the United States were given DED in 1999 after their TPS expired September 28, 1999. Their DED status was subsequently extended to September 29, 2002. On October 1, 2002, Liberia was re-designated for TPS for a period of 12 months, and the status continued to be extended. On September 20, 2006, however, the George W. Bush Administration announced that Liberian TPS would expire on October 1, 2007, and they were once again granted DED until March 31, 2009. On March 23, 2009, President Obama extended DED for Liberians until March 31, 2010, and on March 18, 2010, President Obama once again extended DED for Liberians through September 30, 2011.³⁸ Liberia's DED status had been extended through September 30, 2016 for Liberians who had been residing in the United States since October 2002.

As noted earlier with the Ebola outbreak in West Africa, Liberia was once again granted TPS status through May 21, 2016, and the arrival period was moved up to November 2014.³⁹

Central America

Whether to grant blanket relief to nationals from neighboring Central American countries has perplexed policymakers for several decades. The only time Congress has specifically granted TPS was in 1990 to nationals of El Salvador.⁴⁰ In the aftermath of Hurricane Mitch in November 1998, then-Attorney General Janet Reno announced that she would temporarily suspend the deportation of aliens from El Salvador, Guatemala, Honduras, and Nicaragua. On December 30, 1998, the Attorney General designated TPS for undocumented Hondurans and Nicaraguans in the United States as of that date because, the Clinton Administration maintained, Honduras and Nicaragua had such extraordinary displacement and damage from Hurricane Mitch as to warrant TPS. Prior to leaving office in January 2001, the Clinton Administration said it would temporarily halt deportations to El Salvador. In 2001, the George W. Bush Administration decided to grant TPS to Salvadorans following two earthquakes that rocked El Salvador.

Over the years, the George W. Bush Administration granted, and now the Obama Administration has continued to grant, TPS to Central Americans from El Salvador, Honduras, and Nicaragua. Their rationale has been consistent when announcing the re-designation: "There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua resulting from Hurricane Mitch, and Nicaragua remains unable, temporarily, to handle adequately the return of its

(...continued)

Status,"⁸⁰ *Federal Register* 51582-51588, August 25, 2015.

³⁷ CRS Report RL33185, *Liberia's Post-War Development: Key Issues and U.S. Assistance*, by Nicolas Cook.

³⁸ U.S. Citizenship and Immigration Services, "Filing Procedures and Automatic Extension of Employment Authorization and Related Documentation for Liberians Provided Deferred Enforced Departure," *75 Federal Register* 15715, March 30, 2010.

³⁹ U.S. Citizenship and Immigration Services, "Designation of Liberia for Temporary Protected Status," *79 Federal Register* 69502-69502, November 21, 2014; and U.S. Citizenship and Immigration Services, "Extension of the Initial Registration Period for Guinea, Liberia and Sierra Leone for Temporary Protected Status," *80 Federal Register, Number 122, 36551-36552*.

⁴⁰ For historical analysis, see out of print CRS Report 97-810, *Central American Asylum Seekers: Impact of 1996 Immigration Law*, by Ruth Ellen Wasem (available upon request.)

nationals.”⁴¹ Similarly, the *Federal Register* notice re-designating Salvadoran TPS stated: “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.”⁴²

However, the period of arrival for the Central Americans with TPS ended in 1999 for Guatemalans and Nicaraguans and in 2001 for Salvadorans. There is renewed pressure for the Obama Administration to move the arrival period forward to encompass the Central Americans who have fled to the United States in recent years. In FY2013, El Salvador, Guatemala, and Honduras were the top countries where credible fear was found among foreign nationals who were in expedited removal.⁴³ Proponents of TPS for Central Americans cite the crime rates and security challenges in the region.⁴⁴ Those who oppose the expansion of TPS for Central Americans maintain that the country conditions do not meet the threshold for TPS.

Adjustment of Status

Because aliens granted TPS are not eligible to become legal permanent residents (LPRs) in the United States, a special act of Congress is required for such aliens to adjust to LPR status. For example, Congress enacted legislation in 1992 that allowed Chinese who had deferred enforced departure following the Tiananmen Square massacre to adjust to LPR status (P.L. 102-404). The 105th Congress passed legislation enabling Haitians to adjust status (P.L. 105-277). There is a community of Liberians who have had some type of blanket relief from removal since 1991, a temporary reprieve for 25 years that has prompted legislation to adjust their status. Provisions that would have allowed nationals from various countries that have had TPS to adjust to LPR status had been introduced in past Congresses, but not enacted.⁴⁵ The Senate-passed comprehensive immigration reform (CIR) in the 113th Congress (S. 744) did not include specific provisions for foreign nationals with TPS to adjust status, but many would have qualified for the registered provisional immigrant status that S. 744 as passed would have established.⁴⁶

⁴¹ U.S. Citizenship and Immigration Services, “Extension of the Designation of Nicaragua for Temporary Protected Status,” 78 *Federal Register* 20128-20133, April 3, 2013.

⁴² U.S. Citizenship and Immigration Services, “Extension of the Designation of El Salvador for Temporary Protected Status,” 78 *Federal Register* 2013-12793, May 30, 2013.

⁴³ U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Border Security, *Asylum Abuse: Is it Overwhelming our Borders?*, 113th Cong., 1st sess., December 12, 2013.

⁴⁴ CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

⁴⁵ See archived CRS Report R40848, *Immigration Legislation and Issues in the 111th Congress*, coordinated by Andorra Bruno; archived CRS Report RL34204, *Immigration Legislation and Issues in the 110th Congress*, coordinated by Andorra Bruno; and archived CRS Report RS22111, *Alien Legalization and Adjustment of Status: A Primer*, by Ruth Ellen Wasem.

⁴⁶ See archived CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*, by Ruth Ellen Wasem.

Author Contact Information

Carla N. Argueta
Analyst in Immigration Policy
cargueta@crs.loc.gov, 7-1019

Ruth Ellen Wasem
Specialist in Immigration Policy
rwasem@crs.loc.gov, 7-7342