

# CDF-NY Fall Series

**December 2017**

## **Terminating Temporary Protected Status: What Does it Mean for Children and Families?**

Over the last year, the Trump administration has focused on limiting immigrants and the migration of people to the U.S. This has led to increased attention on immigration policies such as Temporary Protected Status. The future of Temporary Protected Status (“TPS”) designation for Haiti, Honduras and Nicaragua is now at stake, as these countries will phase out of their status within the next two years.

Honduras and Nicaragua were originally supposed to phase out of the program in January 2018, while Haiti’s designation was slated to end in July 2017. However, on May 24<sup>th</sup>, former Secretary of Homeland Security John F. Kelly extended TPS for Haitians through January 22<sup>nd</sup>, 2018<sup>1</sup>. Then, on November 6<sup>th</sup>, acting secretary Elaine Duke announced that Honduras’ new expiration date is July 5<sup>th</sup>, 2018 while Nicaragua’s designation will end on January 5<sup>th</sup>, 2019<sup>2</sup>. She also announced on November 20<sup>th</sup> that Haiti’s expiration date is set for July 22<sup>nd</sup>, 2019, giving them 18 months to prepare for their return<sup>3</sup>. The suspension of this designation for these populations will have negative social and economic consequences on the United States.

### **Temporary Protected Status Expiration Dates**

<b>Country</b>	<b>Current Expiration Date</b>
Honduras	July 5, 2018
Nicaragua	January 5, 2019
Haiti	July 22, 2019

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*This fall CDF-NY interns worked with staff on the 2017 CDF-NY Fall Series. Sabrina Lara is the primary author of this paper.*

<sup>1</sup> U.S. Citizenship and Immigration Services (2017). *Temporary Protected Status for Haiti extended for six months*. Washington D.C.: Department of Homeland Security.

<sup>2</sup> U.S. Department of Homeland Security (2017). *Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua and Honduras*. U.S. Department of Homeland Security.

<sup>3</sup> U.S. Department of Homeland Security (2017). *Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Haiti*. U.S. Department of Homeland Security.



# What is Temporary Protected Status (TPS), and what are its benefits?

## ***Protection from Deportation***

Temporary Protected Status grants documented immigrants from designated countries with provisional protection from deportation and permission to work within the U.S. in cases of conflict, natural disaster, or danger<sup>4</sup>. After a country is classified with TPS status, nationals are allowed to apply for this condition and must meet certain requirements including:

- Proving that they are nationals or persons without nationality who lived in the TPS designated country and have been present within the United States since the required designation date (which varies from country to country)
- Proving that they've maintained continuous presence within the States
- Being deemed as admissible into the United States.<sup>5</sup>

## ***Employment Authorization Documents (EAD)***

TPS beneficiaries are encouraged to apply for employment authorization documents ("EAD"), which give them permission to work legally in the U.S. According to U.S. Citizenship and Immigration Services ("USCIS"), once an individual is granted TPS status, they "cannot be detained by DHS on the basis of his or her immigration status in the United States"<sup>6</sup>. In order to maintain their status, individuals must re-register within the dates that are designated for their country. They can also be granted travel authorization to leave the United States with advanced parole, "a permission granted to qualified foreign nationals to allow them to re-enter the United States after temporarily traveling abroad"<sup>7</sup>. The granting of this status does not bar them from applying for other immigration benefits, including adjustment of status, nonimmigrant status or other benefits for "which [they] may be eligible"<sup>8</sup>.

## ***Healthcare and Education***

In New York, recipients are eligible for various health programs, such as Medicaid and Family Health Plus<sup>9</sup>. These plans provide access to healthcare. Students are eligible for in-state tuition if they meet certain criteria, which include:

- Attended at least two years and graduated from an approved New York State high school, or
- Attended an approved New York State program for a GED, received a GED issued in New York State, and
- Applied at a SUNY, CUNY, state operated, or community college within five years of graduating high school<sup>10</sup>

## ***Employment Opportunities***

Similar to DACA recipients, individuals with TPS can also obtain a driver's license and Social Security card. These items, along with the EAD, allow beneficiaries to access higher paying jobs and provide them with ways to finance their higher

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<sup>4</sup> U.S. Citizenship and Immigration Services (2013). *INA: ACT 244: TEMPORARY PROTECTED STATUS*. Washington D.C.: Department of Homeland Security, Section (b) 1(a) – (b) 1(c).

<sup>5</sup> U.S. Citizenship and Immigration Services (2017). *Temporary Protected Status*. Washington D.C.: Department of Homeland Security.

<sup>6</sup> Ibid.

<sup>7</sup> "USCIS - Help Center - Answer For What Is Advance Parole?" *My.Uscis.Gov*, <https://my.uscis.gov/helpcenter/article/what-is-advance-parole-5490f9be-3a9b-47ef-a35f-ad8bf9f502d5>.

<sup>8</sup> U.S. Citizenship and Immigration Services.

<sup>9</sup> Wnyc.com. (2010). *Temporary Protected Status (TPS) and Public Health Insurance - New York Health Access*. [online] Available at: <http://www.wnyc.com/health/entry/105/> [Accessed 21 Sep. 2017].

<sup>10</sup> "I Am An Undocumented Immigrant, Can I Apply For College? | New York Immigration Coalition." *Thenyc.Org*, <http://www.thenyc.org/node/3491>.



education. It enables them to incorporate themselves into American society and thus become contributing members, academically and financially.

## What are the Effects of TPS Termination on People from Haiti, Honduras and Nicaragua?

The termination of TPS status for Haiti, Honduras, and Nicaragua will negatively impact the lives of children and their families. Because TPS designation for these groups has been terminated, it leaves thousands vulnerable to deportation.

- As of January 2017, there are an estimated 325,000 migrants from 13 TPS designated countries in the US<sup>11</sup>.
- There are an estimated 57,000 Hondurans and 50,000 Haitians who are current TPS beneficiaries<sup>12</sup>
- At least 68,000 came to the United States before the age of 16, similar to their DACA counterparts.

### *Sending children and their families back to dangerous or impoverished conditions*

- Haiti has been ravaged by various natural disasters within the last 7 years including the 2010 earthquake and Hurricanes Matthew and Irma leading to the destruction of infrastructure and crops resulting in high rates of poverty, displacement, and migration.
  - Haiti is struggling with the influx of over 40,000 individuals from the Dominican Republic who were deported between 2015 and 2016<sup>13</sup>. Haiti cannot handle an influx of an additional 60,000 people<sup>14</sup>.
- Honduras is known to be one of the most violent countries in the world, having one of the highest rates of femicide and murder for a country that is not a part of a war zone.
  - 2,832 of the total 18,018 requests for forensic medical examinations were for victims of sexual abuse, and 512 of those cases involved children<sup>15</sup>.
  - Between January and May 31<sup>st</sup>, 2014, 13,282 Honduran children were detained at the border of the United States and Mexico<sup>16</sup> as a result of poverty and violence in Honduras.
- Nicaragua is known as one of the poorest countries in the Western hemisphere, and “has been previously classified as the poorest country in Latin America”<sup>17</sup>.
  - 29.6% of the population lives under the national poverty line, which had detrimental effects on children and families in the country<sup>18</sup>.

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<sup>11</sup> Warren, Robert, and Donald Kerwin. "A Statistical And Demographic Profile Of The US Temporary Protected Status Populations From El Salvador, Honduras, And Haiti." *Journal on Migration and Human Security*, vol 5, no. 3, 2017, pp. 577-592. *Center for Migration Studies*, doi:10.14240/jmhs.v5i3.99.

<sup>12</sup> Ibid

<sup>13</sup> Amnesty International. *'WHERE ARE WE GOING TO LIVE?' MIGRATION AND STATELESSNESS IN HAITI AND THE DOMINICAN REPUBLIC*. Amnesty International, 2016, p. 20, <https://www.amnesty.org/en/documents/amr36/4105/2016/en/>.

<sup>14</sup> U.S. Department of Homeland Security.

<sup>15</sup> United Nations Human Rights Council. *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat Maalla M'jid, Addendum, Follow-up visit to Honduras in 2014*, available on <http://www.ohchr.org/EN/Countries/LACRegion/Pages/HNIndex.aspx>

<sup>16</sup> Ibid

<sup>17</sup> Central Intelligence Agency. *CENTRAL AMERICA AND CARIBBEAN :: NICARAGUA*. Central Intelligence Agency, 2017,.

<sup>18</sup> "Poverty & Equity Data | Nicaragua | The World Bank." *Povertydata.Worldbank.Org*, 2017, <http://povertydata.worldbank.org/poverty/country/NIC>.



- Covenant House notes that “women and children are most frequently forced into prostitution domestically along the Nicaraguan Caribbean coast... or to other Central American Countries, Mexico or the United States”<sup>19</sup>. The high levels of poverty forces women and children to partake in sex trafficking in order to support their families.

The fear that TPS will be terminated has increased Haitian migration to Canada, where they face an array of issues. TPS beneficiaries with US born children have a difficult time petitioning for asylum. This is due to the Safe Third Country agreement between Canada and the United States, which states that “people who want to make a refugee claim must do so in the first safe country they arrive in”<sup>20</sup>. It makes it difficult for Haitians to petition for refugee status, as their U.S. born children will not be recognized as escaping a threat. If their parent’s asylum claim is denied, either the child will be returned to Haiti with their parent or transition into the U.S. child welfare system, if they have no family to stay with<sup>21</sup>.

There are over 273,000 citizen children born to TPS beneficiaries<sup>22</sup>. If TPS is terminated, then it may lead to their transfer into the child welfare system, or their being sent to stay with friends or family which can lead to psychological and physical trauma.

## Policy Recommendations

### *Extend TPS in order to protect children and families from being separated*

Disrupting TPS would mean uprooting immigrants who have been living in the United States for over 20 years, having detrimental effects on both our society and economy and costing the United States more than \$50 billion over a decade<sup>23</sup>. Allowing these beneficiaries to stay would help preserve both the economy and well-being of families, who have better prospects in the United States than they would in their home country. Congress should act immediately to preserve TPS status for these families.

### *Support the DREAM Act of 2017*

Democrats and Republicans alike have been pushing for the institution of the DREAM Act, which has many benefits. In this bipartisan legislation, there exists a path to citizenship for both TPS and DACA beneficiaries. It grants an individual the opportunity to receive conditional permanent resident status, which would transition into legal permanent resident status after 8 years. This would allow over 325,000 TPS beneficiaries along with 800,000 DACA recipients the opportunity to gain legal citizenship, contribute to the economy and continue to thrive in the United States. We must protect children and families from deportation.

<sup>19</sup> MacDonald, Dara et al. *The State Of Child Trafficking In Mexico, Guatemala, Honduras and Nicaragua: Legal Frameworks and Implementation Challenges*. Columbia University, 2013, p. 36.

<sup>20</sup> Government of Canada. “Find out If You're Eligible – Refugee Status from inside Canada.” *Find out If You're Eligible – Refugee Status from inside Canada*, Government of Canada, 3 Apr. 2017, [www.cic.gc.ca/english/refugees/inside/apply-who.asp](http://www.cic.gc.ca/english/refugees/inside/apply-who.asp).

<sup>21</sup> Charles, Jacqueline. “Fearing Trump Deportation, Haitians Head To Canada And Risk Dividing Their Families.” *Miamiherald*, 2017, <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article167829772.html>.

<sup>22</sup> Warren and Kerwin.

<sup>23</sup> Immigrant Legal Resource Center. *The Cost to Taxpayers, GDP, and Businesses of Ending TPS*. Immigrant Legal Resource Center, Washington D.C., 2017, [https://www.ilrc.org/sites/default/files/resources/2017-04-18\\_economic\\_contributions\\_by\\_salvadoran\\_honduran\\_and\\_haitian\\_tps HOLDERS.pdf](https://www.ilrc.org/sites/default/files/resources/2017-04-18_economic_contributions_by_salvadoran_honduran_and_haitian_tps HOLDERS.pdf).

