



Temporary Protected Status

Credit: CNS/Gregory Shemitz

What is TPS?

Temporary Protected Status (TPS) was established by Congress through the Immigration Act of 1990. TPS is intended to protect foreign nationals in the United States from being returned to their home countries if the home country became unsafe to return to during the time in which the individuals were in the U.S. Under [U.S. law](#),¹ the Secretary of the Department of Homeland Security (DHS) may designate a foreign country for TPS in three scenarios:

1. Ongoing armed conflict (such as a civil war);
2. An environmental disaster (such as earthquake or hurricane) or an epidemic;² or
3. Other extraordinary and temporary conditions that prevent people from safely returning home to the country.

Does TPS Lead to Citizenship?

No. TPS does not provide a path to citizenship. Instead, it provides the right to be in the United States legally and legal work authorization, which gives the TPS recipient the ability to pursue legal employment opportunities.³

How Long Does TPS Last?

A country's TPS designation can last from six months, at a minimum, to a maximum of 18 months, with the option to extend prior to the expiration of the designated period.⁴

Who Decides Whether to Extend TPS?

The DHS Secretary is responsible for making the decision to extend a country's TPS designation. The Secretary does

so with input from appropriate agencies, such as the State Department and the Department of Justice. TPS designation extensions can be similarly made for a period of six, 12, or 18 months.⁵

Who Currently Has TPS?

There are currently four countries actively designated for TPS (South Sudan, Syria, Yemen, and Somalia). There are another six countries (Sudan, Nicaragua, Nepal, Haiti, El Salvador, and Honduras) for which the Administration has attempted to terminate TPS but litigation or a delayed effective date for the termination is allowing individuals to, for the time being, retain TPS and work lawfully in the U.S. Approximately 300,000 to 400,000 individuals are living in the United States with TPS. The majority of TPS recipients are from El Salvador, Honduras, and Haiti; there are approximately 195,000 Salvadorans, approximately 57,000 Hondurans, and approximately 46,000 Haitians who have TPS.

For Whom Has TPS Been Terminated?

The Administration has attempted to terminate TPS for Sudan, Haiti, Nicaragua, Nepal and El Salvador, and Honduras. In November 2017, the Acting DHS Secretary, terminated TPS for Nicaragua and Haiti, with delayed effective dates of January 5, 2019 (subsequently extended to April 2, 2019 due to the litigation) and July 22, 2019, respectively. In January 2018, the DHS Secretary terminated TPS for El Salvador, with a delayed effective date of September 9, 2019. And, in June 2018, the Secretary terminated TPS for Honduras, with a delayed effective date of January 5, 2020.⁶

How has Litigation Impacted the Terminations?

Various law suits⁷ have challenged the Administration's recent TPS terminations. Specifically, a preliminary injunction (temporary halt) from the U.S. District Court for the Northern District of California in *Ramos et al v. Nielsen* is currently preventing the Administration from moving forward with the terminations for El Salvador, Haiti, Nicaragua, and Sudan. TPS for these countries will only terminate if: (i) the preliminary injunction is lifted; and (ii) the country's delayed effective date has been reached.

When Must the Decision to Extend TPS be Made for South Sudan, Syria, Yemen, and Somalia?

The current TPS designation for South Sudan is to expire on [May 2, 2019](#), which means that the DHS Secretary must make a decision to extend or cancel the designation by [March 3, 2019](#),⁸ to comply with statute's notice requirements. Syria's TPS designation extends through [September 30, 2019](#), which means that the DHS Secretary must make a decision to extend or cancel the designation by [August 1, 2019](#).⁹ TPS for Yemen will run through [March 3, 2020](#), and the DHS Secretary must make a decision to extend or cancel the designation by [January 3, 2020](#).¹⁰ Finally, TPS for Somalia will run through [March 17, 2020](#), meaning that the DHS Secretary must make a decision to extend or cancel the designation by [January 17, 2020](#).¹¹

Is There a Legislative Solution?

Yes, potentially. Congress could enact legislation that would codify protection for TPS recipients. In the 115th Congress, [several bills](#) were introduced in both the House of Representatives and the Senate to protect TPS recipients, like the ESPERER Act of 2017 (H.R. 4184).¹² We encourage members of the 116th Congress to continue to fight for protections for TPS recipients and to introduce a bipartisan legislative solution.

For Countries that Have Had TPS Terminated, What Happens If the Legal Challenges are Denied and No Legislative Solution Is Reached?

In each country situation, if TPS is not extended and the terminations are permitted to proceed, current TPS recipients will be asked to prepare their travel documents and return to their home countries. Individuals who remain in the U.S.

without another form of relief will be considered undocumented, will no longer be allowed to legally work, and will be potentially targeted for removal.

What Will the Impact be as TPS Designations are Not Extended and if Terminations are Implemented?

In addition to returning many individuals to unsafe or unstable conditions, terminating these countries' TPS designations will tear numerous families apart. Some TPS recipients have been living in this country for over 15 years, and over 275,000 U.S. citizen children have been born to TPS recipients.¹³ Additionally, the home countries will be negatively affected as they will have to prepare for the return of large numbers of their nationals and face the end of remittances that many TPS holders provide. Such remittances are invaluable to the economic prosperity of the home country. For example, in 2015, remittances to Haiti from the U.S. exceeded \$1.3 billion, roughly 15% of Haiti's GDP.¹⁴

How Does TPS Relate to Catholic Social Teaching?

The Church defends each person's right to live with dignity and the ability to provide for their families. As part of the pursuit of a dignified life and support for family, Church teaching recognizes the right to migrate and also the right not to migrate. TPS is a humanitarian provision that protects people from circumstances beyond their control and ensures that they will not be returned to hazardous and possibly deadly circumstances. It enables them to live safely in the U.S. at a time when they cannot do so in their country and ensures that recipients can live productive lives with their families absent fear.

Endnotes

1 8 U.S.C. § 1254a.

2 For this category only, the country of origin must also request the TPS designation.

3 8 U.S.C. § 1254a(a)(1).

4 *Id.* at § 1254a(b)(2)-(3).

5 *Id.* at § 1254a(b)(3).

6 Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador, 83 Fed. Reg. 54,764 (Oct. 31, 2018).

7 Jennifer Riddle, Challenges to TPS Terminations, CLINIC, (Nov. 01, 2018), <https://cliniclegal.org/resources/challenges-tps-terminations>.

8 TPS Designated Country: South Sudan, USCIS, (Oct. 11, 2018), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-south-sudan>.

9 TPS Designated Country: Syria, USCIS, (Dec. 07, 2018), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-syria>.

10 TPS Designated Country: Yemen, USCIS, (Dec. 21, 2018), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-yemen>.

11 TPS Designated Country: Somalia, USCIS, (Dec. 21, 2018), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-somalia>.

12 A Comparison of Temporary Protected Status (TPS) Bills, Justice for Immigrants, (2018), <https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/01/TPS-Comparison-bills.pdf>.

13 Robert Warren and Donald Kerwin, A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti, 5 JOURNAL ON MIGRATION AND HUMAN SECURITY 577 (2017).

14 Manuel Orozco, Laura Porras, Julia Yansura, The Continued Growth of Family Remittances to Latin America and the Caribbean in 2015, Inter-American Dialogue, (Feb. 2016), www.thedialogue.org/wpcontent/uploads/2016/02/2015-Remittances-to-LAC-2.



we are one family under God