



U.S. Citizenship  
and Immigration  
Services

May 23, 2019

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 April 26, 2019, letter to U.S. Citizenship and Immigration Services (USCIS) regarding public engagement on the *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal) and *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D. Cal) litigation. As required by the court, the Department of Homeland Security (DHS) has announced in the Federal Register and on the USCIS website that the terminations of Temporary Protected Status (TPS) for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan, will not go into effect. The notice and website also announce the extension of TPS-related documentation, including work authorization, for beneficiaries under the TPS designations for the affected countries.

In its October 3, 2018, order, the U. S. District Court for the Northern District of California enjoined DHS from implementing and enforcing the termination of TPS for El Salvador, Haiti, Nicaragua, and Sudan, pending further resolution of the case. The order requires DHS to continue the validity of documentation showing lawful status and work authorization for affected, eligible TPS beneficiaries from these countries. Beneficiaries under these TPS designations will retain their TPS while the preliminary injunction remains in effect, provided that their TPS is not withdrawn under Immigration and Nationality Act section 244(c)(3) or 8 CFR 244.14 because of individual ineligibility.

To date, USCIS has published two Federal Register notices (FRNs) announcing actions to ensure compliance with the *Ramos* order. As required by the March 12, 2019, court order adopting the parties' stipulation to stay proceedings in *Bhattarai*, USCIS will extend appropriate TPS-related documentation for eligible beneficiaries of TPS Honduras and TPS Nepal. The terminations of TPS for Honduras and Nepal will not take effect while appeals are pending in *Ramos*, which presents similar issues to those presented in *Bhattarai*. USCIS published an FRN announcing its actions to comply with the *Bhattarai* order on May 10, 2019.

USCIS continues to comply with the terms of the orders in *Ramos* and *Bhattarai*. We appreciate your input to improve transparency and reduce confusion among TPS holders. Enclosed are responses to your recommendations.

Ms. Jill Marie Bussey  
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Thank you again for your letter and interest in this important issue. I look forward to attending CLINIC's annual conference later this month in Pittsburgh.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

L. Francis Cissna  
Director

Enclosure

**U.S. Citizenship and Immigration Services  
Response to CLINIC's April 26, 2019 Recommendations**

**1. Publish Frequently Asked Questions (FAQs) for Temporary Protected Status (TPS) holders and employers regarding *Ramos* and *Bhattarai*.**

U.S. Citizenship and Immigration Services (USCIS) already uses several means that serve the same purpose as FAQs to notify affected TPS beneficiaries and their employers of updates regarding *Ramos v. Nielsen* and *Bhattarai v. Nielsen*. As required by the court order in *Ramos*, the Department of Homeland Security (DHS) has published Federal Register notices (FRNs) announcing the actions we are taking in compliance with the order. Similarly, for *Bhattarai*, DHS published an FRN on May 10, 2019, announcing the actions it is taking to comply with the court order in this case. USCIS also maintains and updates the information on the country-specific TPS webpages, as well as on the general USCIS TPS webpage, regarding the ongoing litigation. We publish this information with the specific intent of informing affected TPS beneficiaries of key points, including dates through which their employment authorization documents are automatically extended. USCIS also ensures that each FRN has extensive instructions on completing Form I-9, Employment Eligibility Verification, for TPS beneficiaries.

**2. Improve and clarify information on the *Ramos v. Nielsen* web page on the USCIS website.**

Pursuant to the stipulation to stay proceedings in *Ramos*, USCIS is bound by agreement with the plaintiffs to take reasonable steps to address confusion among TPS beneficiaries and other stakeholders regarding DHS's course of action, which we have interpreted to include website updates. To that end, USCIS updated the *Ramos v. Nielsen* TPS webpage on May 17, 2019, to improve and clarify information related to the ongoing litigation.

**3. Hold regular stakeholder calls for TPS holders, practitioners, and employers around the FRN publication dates for *Ramos* and *Bhattarai*.**

USCIS' External Affairs Directorate develops and disseminates targeted communications materials and, when applicable, convenes a national teleconference following the announcement of a TPS determination. USCIS welcomes CLINIC's suggestion to convene a stakeholder call to provide the public with updates on the *Ramos* and *Bhattarai* cases. Due to the ongoing litigation, convening a national engagement requires coordination with and approval of our Department of Justice partners (DOJ). USCIS will reach out to DOJ to discuss holding a national teleconference on the *Ramos* and *Bhattarai* cases.

**4. Direct USCIS Community Relations Officers to conduct outreach to all Departments of Motor Vehicles in their jurisdictions to provide education about *Ramos*, *Bhattarai*, and USCIS systemic issues.**

USCIS does not control the type of documents state agencies will accept; however, there is information on USCIS' website at <https://www.uscis.gov/update-ramos-v-nielsen> and in the

*Ramos* and *Bhattarai* FRNs on how TPS beneficiaries may demonstrate their continued lawful status to state agencies.

- 5. Establish a dedicated call prompt for customers calling the National Customer Service Center (1-800-375-5283) that directs TPS holders and employers to Ramos and Bhattarai specific resources and allows callers to access information officers who are equipped to answer questions.**

Due to the increased volume of work the agency is facing, including backlogs, and the significant expense of resources, personnel, and contracts, this proposal may not be feasible for the immediate future. We will continue to rely on our social media, web content, Federal Register Notices, and engagement to notify TPS holders and their employers.

- 6. Regularly share information related to *Ramos*, *Bhattarai*, and the systemic issues affecting TPS holders on social media to increase public understanding and to help combat notario fraud.**

USCIS already communicates via social media regarding TPS decisions, and will also disseminate information via social media on key information related to the *Ramos* and *Bhattarai* cases.

- 7. Establish a stakeholders' roundtable to ensure regular information sharing and troubleshooting regarding the issues TPS holders are facing.**

USCIS continues to comply with the terms of the *Ramos* and *Bhattarai* orders, including working in good faith with the plaintiffs to resolve any disputes concerning DHS's course of action, and taking reasonable steps to address confusion among TPS beneficiaries and other interested parties regarding that course of action.

- 8. Mail physical notices containing key information.**

The FRNs, in combination with the USCIS TPS webpage content, sufficiently provide TPS beneficiaries with the information they need on the continued validity of TPS and employment authorization in compliance with the *Ramos* and *Bhattarai* orders.