



April 13, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Acting Director Tracy Renaud
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue NW
Washington, D.C. 20001

RE: Implementation of Temporary Protected Status and Deferred Enforced Departure decisions

Secretary Mayorkas and Acting Director Renaud:

The undersigned 138 members of the Temporary Protected Status Advocacy Working Group, as well as other local, state, and national organizations serving and advocating for Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) holders, write to urge you to address implementation issues that caused serious harm to TPS and DED holders under the previous administration, and we are concerned are continuing under the Biden administration. In addition to policy and decision-making around TPS and DED designations, the way that decisions are implemented is crucial and has major impacts on the day-to-day lives of those these blanket protections are intended to protect.

I. Federal Register Notice Delays:

The law requires TPS decisions for currently designated countries be made 60 days in advance of the end of the designation period and there to be timely publication of decisions in the Federal Register.¹ While historically there have been examples of delayed Federal Register Notices (FRN) for TPS decisions, consistent and extreme delays for every decision and country under the Trump administration were a sharp departure from past practice. Under the previous administration, TPS holders dealt with 13 of 17 implementing FRNs published less than a month before the end of the designation period. Five of those were published less than a week before the end of the designation period and current documents expired.

Under the Biden administration, the implementing Syria TPS FRN was published 49 days after the announcement of the extension and re-registration, less than two weeks before the end of the designation period. Especially during the COVID-19 crisis, this is a very short window for current TPS holders to work with employers on the extension as well as address other issues. While DED is not statutorily based, and does not have the same requirements as TPS, the implementing Venezuela DED FRN came 49 days after the announcement (acknowledging that the Biden administration was not in place for one of those days, as the announcement was made on the last day of the previous

¹ INA §244 (b)(3)(A) (“At least 60 days before end of the initial period of designation, and any extended period of designation . . . the Attorney General . . . shall determine whether the conditions for such designation under this subsection continue to be met.”).

administration). The implementing Liberia DED FRN was published 27 days after that announcement. As of the date of this letter, no FRN has been published for the new Burma TPS designation, announced on March 12, 2021.

II. Human Consequences:

FRN delays tip off a domino effect of consequences for TPS holders and their families. When a decision arrives without a FRN (which opens the re-registration period) the clock starts to tick on TPS holders' current TPS-related documents, which are only valid through certain expiration dates. Consequently, the FRN delays, compounded by overall case processing delays at USCIS, result in TPS holders not being able to obtain the documents they need for work, driver's licenses, maintaining access to bank accounts, student loans, etc. in time at no fault of their own. The Department of Justice Immigrant and Employee Rights Section lists numerous examples of TPS holders being impacted by these issues on its website and government resources being spent to address these issues.²

In addition to consequences for individuals and families, delayed FRNs create an environment in which those engaged in the unauthorized practice of immigration law can thrive and prey on TPS and DED holders. Under the previous administration, these issues were exacerbated by DHS and USCIS' lack of outreach and education to impacted communities.

Hazem's story:

Hazem came to the United States as a student in 2011 as his home country of Syria erupted into war. In the U.S., Hazem studied to become an electrical engineer. Knowing it would be impossible to return to Syria, Hazem applied for TPS. With TPS, Hazem was able to get a good job at a small firm in Oregon. Hazem has faced numerous problems due to late Federal Register Notices for Syria, including maintaining his driver's license and access to his bank account. He has faced strain and lost billable hours and income at work, having to take time off to go to the DMV and other appointments to deal with the consequences of the USCIS issues. New to his job at the time of a previous Syria TPS extension with a delayed Federal Register Notice, he worried constantly that his boss' patience would run out. When asked how all the TPS implementation issues he has had to deal with make him feel, he replied "unwelcome" in America.

III. TPS and DED Implementation Recommendations:

1. Put in place a policy and take necessary steps to ensure that all TPS FRNs are published at least 60 days prior to the end of designation periods for currently designated countries.
2. Put in place the same policy for DED-designated countries, with implementing FRNs for extensions published at least 60 days prior to the end of a designation period.
3. Publish FRNs for new TPS and DED designations on the same day of announcements. Delays between announcing a TPS designation and publishing the implementing FRN (which opens the registration period) leave vulnerable people languishing in detention at continued risk of deportation to conditions that have been deemed unsafe.

² Department of Justice Immigrant and Employee Rights Section, Telephone Interventions, <https://www.justice.gov/crt/telephone-interventions-2>.

4. Hold at least one stakeholder call or webinar within one week of the publication of a TPS or DED implementing FRN.
5. Establish at least quarterly meetings including relevant officials at DHS (including CRCL), USCIS, the CIS Ombudsman's office, DOJ Immigrant and Employee Rights section, and stakeholders to share information and address systemic issues related to TPS and DED implementation.
6. If, in extenuating circumstances, a TPS or DED implementing FRN is delayed, ensure USCIS immediately engages in a robust, culturally competent outreach plan in order to combat notario fraud and those engaged in the unauthorized practice of immigration law from preying on vulnerable communities.

Thank you for your consideration of our recommendations. Please contact Lisa Parisio, Advocacy Attorney for Policy, Catholic Legal Immigration Network, Inc., at lparisio@cliniclegal.org; Yanira Arias, National Campaigns Manager, Alianza Americas, at yarias@alianzaamericas.org; and Suzanne Meriden, Executive Director, Syrian American Council, at smeriden@sacouncil.com, with any questions or to arrange engagement.

Sincerely,

ACCESS of WNY
Acción de Gracia Immigration Assistance
Adhikaar
African American Ministers In Action
African Communities Together
AGS Immigrant Center Inc
Alianza Americas
All Saints Immigration Services
American Friends Service Committee
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
Americans for a Free Syria
Americans for Immigrant Justice
America's Voice
Arab American Association of New York
Arab American Civic Council
Arab Resource & Organizing Center (AROC)
Asylum Seeker Advocacy Project (ASAP)
Austin Region Justice for Our Neighbors
Barnett Legal Resources
Benedictine Sisters of Baltimore
Black Immigrant Collective (BIC)
CASA

Casa Yurumein
Cathedral Church of St. Paul - Episcopal
Catholic Charities Boston
Catholic Charities Immigration Services Wichita
Catholic Charities Tompkins Tioga
Catholic Legal Immigration Network, Inc.
Catholic Legal Services, Archdiocese of Miami
Central American Resource Center
Central American Resource Center (CARECEN-LA)
Central American Resource Center of Northern CA - CARECEN SF
Centro Comunitario CEUS
Church World Service
Circle of Friends Task Force
Commission on Justice for Immigrants and Refugees, Immaculate Heart Community
Congregation of Sisters of St. Agnes
Connecticut Shoreline Indivisible
Cooperative Baptist Fellowship
Disciples Immigration Legal Counsel
Dominican Sisters ~ Grand Rapids
Dominican Sisters of Houston
East Bay Sanctuary Covenant
El Pueblo
Empowering Pacific Islander Communities
Episcopal Church of St. Matthew
Franciscan Action Network
Generous Heart Sangha
Guadalupe Presbyterian Church Detention Ministry
HIAS
Holy Spirit Missionary Sisters, USA-JPIC
Hondureños Contra El SIDA
Hope 4 Immigrants, a NJ Nonprofit Corporation
Hope Border Institute
Human Rights Initiative of North Texas
Immigrant Law Center of Minnesota
Immigrant Rights Action
Immigration Center of San Bernardino, Inc.
Immigration Hub
International Refugee Assistance Project
Iowa Migrant Movement for Justice (Iowa MMJ)
ISLA: Immigration Services and Legal Advocacy
Jesuit Social Research Institute
Justice For Our Neighbors - North Central Texas
Justice for Our Neighbors Michigan
La Casa de Amistad

Law Office of Valera & Associates, PC
Law Office of W Kyle Tresch, PLLC
Law Offices of Sandra I. Murado, P.A.
Legal Aid Justice Center
Lutheran Church of Our Redeemer and Gethsemane Lutheran Church
Lutheran Immigration and Refugee Services (LIRS)
Make the Road Connecticut
Make the Road Nevada
Make the Road New York
MCD Immigration Law
Migrant Center for Human Rights
MIRA USA
Mississippi Center for Justice
Multifaith Alliance for Syrian Refugees
National Council of Asian Pacific Americans
National Justice for Our Neighbors
National Network of Arab American Communities (NNAAC)
National TPS Alliance
NETWORK Lobby for Catholic Social Justice
New York Justice for Our Neighbors, Inc.
Northern Illinois Justice for Our Neighbors
Office of Justice, Peace and Integrity of Creation, Stuart Center
Ola Raza, Inc.
ONECA
Orange County Justice Fund
Our Lady of Sorrows Social Justice Committee
Pax Christi Illinois
Peace and Justice Team of Congregation of Saint Joseph
Pennsylvania Council of Churches
Priests of the Sacred Heart, US Province
Project Lifeline
RAICES
Rays Of Freedom
Revolutionary Love Project
Saint Martha Social Ministry
Seattle Immigrant Rights Action Group
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Charity of Nazareth, KY
Sisters of Charity, BVM
Sisters of Mercy of the Americas Justice Team
Sisters of Mercy of the Holy Cross USA Province

Sisters of Notre Dame
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis of Philadelphia
Sisters of St. Francis, Sylvania OH
Sisters of the Most Precious Blood
Sisters of the Most Precious Blood of O'Fallon, MO
Sisters of the Precious Blood
South Asian Americans Leading Together (SAALT)
Spring Hill United Church of Christ
St. Malachi Church
St. Mary's Institute
Sylvia A Miller, Attorney at Law, PLLc
Syrian American Council
The Hat Project
The Law Office of Orlando A. Gamarra, PLC
The Legal Project
The Puente-Arno Law Office
UMCBCS Rapped Response Team
UndocuBlack Network
UnidosUS
UNITE HERE
University YMCA New American Welcome Center
Venezuelans and Immigrants Aid, Inc.
Wallingford Indivisible
We Are All America
Wind of the Spirit Immigrant Resource Center
Yemeni American Merchants Association