



July 14, 2014

**Re: Provide Temporary Protected Status for Children
from El Salvador, Guatemala, Honduras, and Mexico**

Background: Temporary Protected Status (TPS)

The TPS¹ policy allows the Department of Homeland Security to respond to urgent humanitarian crises by extending temporary protection to individuals fleeing unsafe country conditions. According to the TPS policy, the Secretary of Homeland Security may designate countries in crisis and temporarily shield those foreign nationals from deportation while their country of origin faces armed conflict, environmental disaster, or other “extraordinary and temporary” emergencies. TPS applies only to individuals who have continuously resided in the United States since the date of the Secretary’s designation. Individuals with TPS receive immunity from removal during the duration of TPS. They may also apply for employment and travel authorization. TPS does not lead to lawful permanent resident status or any other immigration status. Once their TPS expires and does not receive an extension, individuals revert to their prior immigration status.

Central American Children in Need for Humanitarian Protection

Congress originally enacted TPS to address both practical and humanitarian concerns,² and the current situation for children in Central America and Mexico poses similar concerns.³ Over the past year, children from El Salvador, Guatemala, Honduras, and Mexico have fled unsafe situations and entered the United States in unprecedented numbers.⁴ The tremendous influx of young and vulnerable immigrants has created a management challenge for the United States; at the same time, the influx reflects the extraordinary emergency that exists for children living in Central America.⁵ National and international organizations have documented the human rights at stake in this international humanitarian crisis.⁶ The United States has the opportunity to respond effectively and compassionately to this urgent need for humanitarian relief by extending temporary protection to children fleeing from unsafe conditions.

Recommendation: TPS for Children from El Salvador, Guatemala, Honduras, and Mexico

- **Extend TPS to all children from El Salvador, Guatemala, Honduras, and Mexico who entered the United States prior to the issuance of this policy.**

¹ See INA § 244 (guiding statute for TPS); 8 CFR 244; Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002) (transferring responsibility for TPS administration from the Attorney General to the Secretary of Homeland Security).

² See Ari Weitzhandler, *Temporary Protected Status: The Congressional Response to the Plight of Salvadoran Aliens*, 64 U. Colo. L. Rev. 249, 261-63 (1993) (providing the legislative history of TPS and noting that practical concerns, such as managing a large docket of cases from certain Central American counties, formed part of the initiative to enact TPS).

³ President Obama has stated, “We now have an actual humanitarian crisis on the border . . . *Remarks by the President on Border Security and Immigration Reform*, The White House, Office of the Press Secretary (June 30, 2014).

⁴ See Center for Gender and Refugee Studies & Kids in Need of Defense, *A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System*, at 1 (Feb. 2014)

⁵ See, e.g. Immigration Policy Center, *No Childhood Here: Why Central American Children are Fleeing Their Homes* (Jul. 1, 2014) (describing the organized crime, gangs and violence that drive children from their homes)

⁶ See, e.g., United Nations High Commissioner for Refugees, *Children on the Run* (Mar. 2014) (analyzing the underlying causes and humanitarian impact of the vast and recent child migration in the Americas); Center for Gender and Refugee Studies & Kids in Need of Defense, *A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System* (Feb. 2014) (addressing “the issues raised by the recent historic and unabated increase in the number of children coming unaccompanied . . . to the United States”); Women’s Refugee Commission, *Forced from Home: The Last Boys and Girls of Central America* (Oct. 2012)