Welcome to the Webinar

Navigating the Legislative Path Forward on TPS

Wind of the Spirit
Housekeeping

- If you are using a phone line. Please put your device in "mute" listening mode to minimize noise.
- If you have any questions during the presentation, please type them into the question box in your Zoom control panel.
- You may also text your questions to 917-575-1124
- The questions and answers section will be at the end of the two presentations.
- Slides, resources and recordings will be sent to all webinar attendees.
Agenda

- Oscar Chacon - Political landscape
- Karol Yorlany Ruiz, Esq. Co-President, Wind of the Spirit Immigrant Resource Center - what is TPS? Why is it that a legislative solution is so important?
- Isabel Sousa-Rodriguez, Director of Membership and Organizing Florida Immigrant Coalition (FLIC) What TPS bills have been filed so far? How are they similar/different?
- Patricia Montes, Executive Director, Centro Presente – How to get involved in advocacy around these bills
- Audience Q&A
Karol Yorlany Ruiz, Esq.

«At Wind of the Spirit, we aim to ensure justice and inclusion for immigrant communities through community organizing and advocacy, legal services, and health and safety initiatives. These services are available to all who hope to further our cause.»
Temporary Protected Status

Wind of the Spirit Immigrant Resource Center
Karol Y. Ruiz, Esq.
What is Temporary Protected Status (TPS)?

- A temporary immigration status
  - created by Congress in 1990
  - Secretary of Homeland Security designates countries whose nationals may be eligible
  - allows holders to remain in the US because it is unsafe to return to their country of origin due to
    - ongoing armed conflict,
    - environmental disaster, or
    - other “extraordinary and temporary conditions.”

- TPS holders:
  - Are not removable and can’t be detained on the basis of immigrant status
  - Can obtain an employment authorization document (EAD)
  - May be granted travel authorization
  - Do NOT have a path to lawful permanent resident status
Who Are TPS Holders?

- El Salvador: 187,000 - 204,000
- Haiti: 59,000 *ends 7/2019
- Honduras: 57,000 - 61,000
- Nepal
- Nicaragua: 2,500 *ends 1/2019
- Somalia
- Sudan
- South Sudan
- Syria
- Yemen

Eligible nationals of one of the designated countries (or whose last nationality was of one of these countries) who:

- Filed during the open initial registration or re-registration period, or meet requirements for late initial filing during any extension of a country’s TPS designation, including all required forms, fees, and evidence;

- Demonstrated continuous physical presence (CPP) in the US since the effective date of the most recent designation date of the country; and

- Demonstrated that they have been continuously residing (CR) in the US since the date specified for the country (or qualify for an exception to CR)
Ineligibility for TPS

• **NOT** eligible for TPS or to maintain existing TPS if:
• Have been convicted of any felony or 2 or more misdemeanors committed in the US;
• Are found inadmissible as an immigrant under applicable grounds in INA section 212(a), including non-waivable criminal and security-related grounds;
• Are subject to any mandatory bars to asylum - participating in the persecution of another individual or engaging in or inciting terrorist activity;
• Fail to meet the continuous physical presence and continuous residence requirements;
• Fail to meet initial or late initial TPS registration requirements; or
• If granted TPS, fail to re-register for TPS, without good cause.
Why is a legislative solution necessary?

Countries with TPS in the past, since terminated:

Angola           Province of Kosovo

Kuwait           Lebanon

Liberia          Montserrat

Rwanda           Sierra Leone

Bosnia-Herzegovina Burundi

Guinea Guinea-Bissao
Why is a Legislative Solution Necessary?

As of Nov. 3, the State Department reported that Central American and Haitians immigrants no longer needed protected status

– more than 300,000 will be directly impacted
– 20 years is not temporary
– Human rights impact
  • Moral obligation
– Impact on the economy
  • 80.3% of TPS holders from Central America pay taxes, including 79.3% of people who are self-employed.
  • Average TPS holder contributed funds to social security for 15.4 years.
  • Deportation of 300,000 TPS holders from El Salvador, Honduras and Haiti would cost the U.S. government over $3 billion.
– Impact on family unity
  • 275,000 children of TPS holders
– Impact on mental health
– Impact on stability in the region – inability for Central America and Haiti to receive former TPS holders
Sources

• https://www.uscis.gov/humanitarian/temporary-protected-status


• https://www.americanimmigrationcouncil.org/research/temporary-protected-status-overview
«The Florida Immigrant Coalition is a statewide alliance of more than 62 member organizations, including farmworkers, students, service providers, grassroots organizations and legal advocates, who come together for the fair treatment of all people, including immigrants. We accomplish our mission through coordination of immigrant organizations and community education, organizing and advocacy.»
What TPS bills have been filed so far?

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<td><strong>Adjustment</strong></td>
<td>Adjustment of status to</td>
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<td>lawfully admitted for</td>
<td>lawfully admitted for</td>
<td>renewable 6-year protected</td>
<td>lawfully admitted for</td>
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<td>permanent residence (LPR)</td>
<td>permanent residence (LPR)</td>
<td>status. Adjustment to lawfully</td>
<td>permanent residence</td>
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<td>Spouse, or unmarried minor or</td>
<td>Spouse, parent, or unmarried</td>
<td>admitted for permanent residence (LPR) in cases of</td>
<td>Spouse, domestic partner,</td>
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<td>adult child of successful</td>
<td>minor or adult child of successful</td>
<td>extreme hardship. Adjustment of</td>
<td>parent, or unmarried</td>
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<td>applicant may also adjust</td>
<td>applicant may also adjust status</td>
<td>family members only</td>
<td>minor or adult child of</td>
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<td>status to lawfully admitted</td>
<td>status subject to certain conditions.</td>
<td>through current law mechanisms.</td>
<td>successful applicant may also adjust</td>
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<td>for permanent residence subject</td>
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<td>certain conditions.</td>
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<td><strong>Application deadline for</strong></td>
<td>Must apply before January 1,</td>
<td>Must apply within 3 years after</td>
<td>Must apply within registration</td>
<td>No deadline specified.</td>
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<td>2021.</td>
<td>bill’s date of enactment.</td>
<td>period established by the</td>
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<td>Secretary of Homeland Security,</td>
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<td>which must be at least one year.</td>
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<td><strong>Eligible countries</strong></td>
<td>Haiti, Nicaragua, El Salvador,</td>
<td>All 13 countries that were designated</td>
<td>All 13 countries that were</td>
<td>All countries that</td>
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<td></td>
<td>or Honduras.</td>
<td>for TPS or Deferred Enforced Departure</td>
<td>designated for TPS or DED as of</td>
<td>have been designated</td>
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<td>(DED) as of January 1, 2017.</td>
<td>January 1, 2017.</td>
<td>for TPS, or that are</td>
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<td><strong>TPS status or eligibility</strong></td>
<td>Have TPS status on January 13,</td>
<td>Have been granted or eligible for TPS,</td>
<td>Had been granted or was</td>
<td>Have or had been</td>
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<td>2011 and on the date of</td>
<td>or granted DED on or before October 1,</td>
<td>eligible for TPS or DED on</td>
<td>granted TPS, or</td>
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<td>the time the last</td>
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<td>designation was made.</td>
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What TPS bills have been filed so far?

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<td>Residence and TPS eligibility requirements</td>
<td>Meets the TPS residence requirements for the nationality, was physically present in the U.S. on January 12, 2011, has been physically present for at least one year, and is physically present on the application date.</td>
<td>Meets the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years. Waiver of the 3-year requirement authorized in cases of extreme hardship and brief or emergency absences would not count against the requirement.</td>
<td>Meets the TPS residence requirements for the nationality, plus continuous residence in the U.S. for at least 5 years. Brief, casual and innocent absences would not count against the 5-year continuous residence requirement and it does not apply to persons applying for adjustment due to extreme hardship.</td>
<td>Meets the the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years and physically present on date of application. One or more absences of 180 days or less do not count against the 3-year requirement and a waiver is authorized in cases of extreme hardship.</td>
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<td>Other requirements</td>
<td>Must meet the current law criminal, national security, and specified other grounds of admissibility and non-deportability, plus must not have been convicted of a felony or more than 2 misdemeanors. That is in addition to the criminal, national security, and other requirements to be eligible for TPS.</td>
<td>Must meet all current law criminal, national security, and other requirements for admissibility, except that public charge and certain other grounds don’t apply, and all others may be waived. That is in addition to the criminal, national security, and other requirements to be eligible for TPS.</td>
<td>Must meet the TPS criminal, national security, and other requirements, except that the following may not be considered: (1) misdemeanors committed more than 6 years before the application and (2) expunged offenses.</td>
<td>Must meet current law criminal, national security, and certain other requirements for admissibility and deportability. That is in addition to the criminal, national security, and other requirements to be eligible for TPS.</td>
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<td>Fees</td>
<td>Fee based on assessment of cost to the government (current law)</td>
<td>Fee based on assessment of cost to the government (current law)</td>
<td>$50 plus standard work authorization fee</td>
<td>Fee based on assessment of cost to the government (current law)</td>
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<td>Deportation relief</td>
<td>Yes, while application pending</td>
<td>Yes, while application pending</td>
<td>Yes, if prima facie eligible and application pending or within first 30 days of registration period.</td>
<td>Yes, while application pending or if individual is prima facie eligible and indicates intent to file application</td>
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<td>Work authorization while application under review?</td>
<td>Yes, after 180 days. At DHS discretion prior to that.</td>
<td>Yes.</td>
<td>Yes, if prima facie eligible and application pending or within first 30 days of registration period.</td>
<td>Yes.</td>
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<td>Path to Citizenship</td>
<td>Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).</td>
<td>Individual can only apply for naturalization 5 years after adjusting to LPR status under the bill. English language test is waived and applicant may take the civics test in their own language</td>
<td>No path to citizenship for those granted new 6-year protected status. Those granted LPR status under the extreme hardship provision typically can apply for naturalization 5 years after adjusting to LPR status (current law).</td>
<td>Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).</td>
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<td>TPS reforms</td>
<td>n/a</td>
<td>n/a</td>
<td>Specifies that TPS holders shall be considered inspected and admitted to the US under immigration law, eliminating a current limitation that prevents many from adjusting to LPR status when they are otherwise qualified to do so. Also provides that expunged convictions are not counted for TPS eligibility.</td>
<td>n/a</td>
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Established in 1981, Centro Presente is a member-driven, state-wide Latin American immigrant organization dedicated to the self-determination and self-sufficiency of the Latin American immigrant community of Massachusetts.
Questions & Answers

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THANK YOU!