
**PROTECT TPS HOLDERS
WHERE THEY LIVE AND WORK:
ACTIONS AT THE STATE LEVEL**



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November 1, 2019 - For 20 years, the Temporary Protected Status (TPS) program has granted work authorization and protection from deportation to individuals from designated countries where [armed conflict, environmental disaster, or other extraordinary conditions](#) prevent them from safely returning to their home countries. Currently, around [325,000](#) individuals are protected under TPS. While TPS does not provide a path to lawful permanent residency, the people who have been in the United States for nearly two decades under TPS have settled and contributed to the communities that welcomed them. Many TPS holders have children who are United States citizens, and those families live with trauma and uncertainty due to the possibility of family separation after TPS cancellations.

Shortly after the Department of Homeland Security (DHS) [announced](#) plans to terminate TPS for six countries—El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan— federal judges in California and New York [blocked](#) the administration's effort to terminate the status of hundreds of thousands of people. As a result of the preliminary injunctions issued in the [Ramos v. Nielsen](#), and [Bhattarai v. Nielsen](#) cases, DHS is required to issue a plan to provide documentation showing lawful status and work permits for eligible TPS holders. On November 4 2019, DHS announced that it would [extend](#) work authorizations for eligible TPS holders from El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan until January 4, 2021 to comply with the court order. In addition, a separate agreement with El Salvador, announced on October 28, 2019 stipulated that TPS holders from that country would receive continued protection for 365 days after the conclusion of litigation.

THESE ANNOUNCEMENTS HAVE PROVIDED A MUCH-NEEDED RESPITE FOR TPS HOLDERS, BUT DO NOT ADDRESS THE LONGER-TERM CHALLENGE OF MOVING THEM INTO A MORE STABLE AND PERMANENT STATUS. THAT CHALLENGE IS STILL UP TO CONGRESS TO ADDRESS.

But even in the short term, the steps identified by DHS for compliance with the Ramos and Bhattarai cases have created new problems for TPS holders. DHS has taken the decision NOT to require or automatically issue new [Employment Authorization Documents \(EAD\)](#) under the latest TPS continuations. Instead, the agency advises TPS holders to use their existing documents and refer to the extension notice published in the [Federal Register Notice \(FRN\)](#). Therefore, most TPS holders will continue to use documents that appear to have expired. This can create serious problems as TPS holders attempt to renew their Drivers' Licenses and State IDs, or to demonstrate the validity of their work permits to employers.

TPS HOLDERS HAVE ALREADY ENCOUNTERED SERIOUS PROBLEMS INCLUDING:

Departments of Motor Vehicles not accepting [I-797 Notice of Action](#) from USCIS, or the [Federal Register Notice \(FRN\)](#) issued by the Department of Human Services (DHS) in compliance with pending court cases, as valid proof for TPS holders to renew or apply for Drivers License or State IDs.

Employers threatening to fire TPS holders if they do not show renewed [Employment Authorization Documents \(EAD\)](#) with a valid date. Since EADs are not being re-issued under the extensions, many individuals with valid TPS status carry expired employment documents.

Without documents considered to be valid by state agencies, some TPS holders have been unable to apply to a new job, or face issues with contracts, obtaining services, and other official documents.

ALIANZA AMERICAS AND OUR MEMBERS MOBILIZE

Lack of knowledge and inadequate communication between government agencies has already resulted in problems for TPS holders seeking to maintain valid documentation and work authorization, and this problem is likely to get worse in coming months. To address misinformation at the service-delivery level, Alianza Americas and our member organizations [CARECEN San Francisco](#), [CARECEN D.C.](#), [CARECEN Los Angeles](#), [ASOSAL Los Angeles](#), [CRECEN Houston](#), [COPAL Minnesota](#), and [the Family Action Network Movement \(FAMN\)](#) consolidated efforts to educate TPS holders, elected officials, and allies on the current status of TPS.

PATHWAYS TO ACTION

Participating organizations focused on the pillars of organizing, education and advocacy to drive forward our goal of creating “circles of protection” for TPS holders through local and state policies:

Organizing - By connecting with local organizations and community members, specifically those affected by changing immigration policies, we can build trust and support to access the stories of people affected by collectively address the barriers TPS

- holders face when attempting to have their legal rights recognized.

Education - With immigration policies changing constantly under the Trump administration, it can be difficult to stay up to date with current provisions. Alianza Americas created educational toolkits that TPS holders can refer to prior to and during their visit to the Department of Motor Vehicle (DMV) that advises them on the documentation to present and talking points regarding the current status of TPS.

Advocacy - Since Congress is the only political body that has the power to create long-term solutions for TPS holders, most advocacy efforts are directed toward D.C. Yet, investing energy at the local level is equally important given that individuals affected by fluctuating policies experience these changes through local service providers who respond to state and local officials.

POLICY RECOMMENDATIONS FOR STATE OFFICIALS

A template letter for governors and officials leading Department of Motor Vehicles or Departments of Public Safety, and Department of Labor includes recommendations on how state governments can be allies to community based organizations as we break down the barriers experienced by beneficiaries of TPS.

CONCRETE WAYS THAT STATE GOVERNMENTS CAN ACT NOW TO PROTECT OUR NEIGHBORS WITH TPS

Implement an educational campaign for employers about the state of TPS, including how to interpret and implement the Federal Register Notices extending TPS for countries subject to the preliminary injunction.

Instruct the director at the State Department of Public Safety to issue a directive to order employees to accept FRN's as a proof of status for TPS holders.

Provide funding to enable community liaison's office and/or immigrant affairs office to create a hotline to report challenges faced by TPS holders with automatic extensions of their protection, until there is a legislative solution to permanently protect them from deportation.

Insist that DHS update its databases so that state

agencies can rely on accurate information regarding the extensions for TPS holders and publicly release data regarding the number of Tentative Nonconfirmations (TNCs) and Final Nonconfirmations (FNCs) issued by E-VERIFY, both historically and prospectively.

Allocate resources to produce materials to educate TPS holders in multiple languages, indicating steps to take if they are facing any of the difficulties described in this report.

Provide a regular public report summarizing problems or issues reported by state agencies, including DMVs and other agencies administering benefits.

Take steps to implement ongoing cross-agency communication and collaboration

TO DATE, MEMBERS HAVE SENT LETTERS TO GOVERNORS' OFFICES IN FOUR STATES: NEW YORK, MINNESOTA, FLORIDA, AND CALIFORNIA.

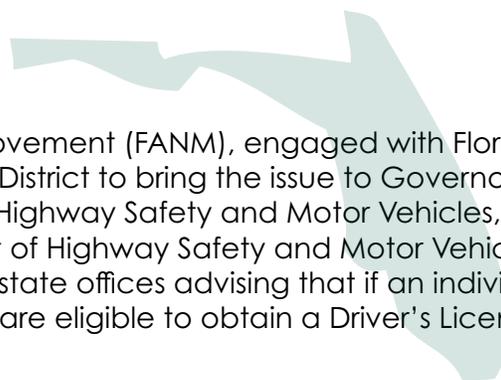
IMPACT IN MINNESOTA

The letter issued to Governor Tim Walz (D-MN) from member organization Copal MN prompted Governor Walz to connect with the director of Driver and Vehicle Services (DVS), who then informed Driver's License Agents of the rulings affecting TPS and Deferred Enforced Departure (DED) holders and directed them to continue taking driver's license applications and to accept the FRN for those protected under the temporary injunction. COPAL is working to make sure TPS holders understand the documents they will need to bring to renew their licenses.



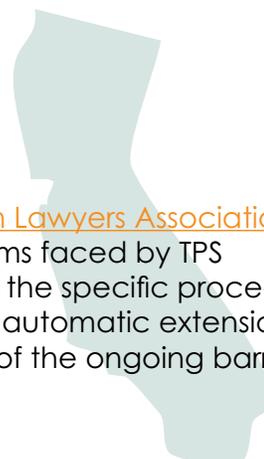
IMPACT IN FLORIDA

In Florida, a volunteer at Family Action Network Movement (FANM), engaged with Florida House Representative, Al Jacquet in Florida's 88th District to bring the issue to Governor DeSantis and the Executive Director of the Florida Highway Safety and Motor Vehicles, Terry Rhodes. In August of 2019, the Florida Department of Highway Safety and Motor Vehicles issued a technical advisory that was distributed to state offices advising that if an individual satisfies lawful presence requirements for TPS, they are eligible to obtain a Driver's License or identification card through January 2, 2020.



IMPACT IN CALIFORNIA

CARECEN San Francisco connected with the [American Immigration Lawyers Association \(AILA\)](#) and the California DMV to bring to their attention the problems faced by TPS beneficiaries. Through AILA, the Deputy Director of the DMV shared the specific procedures sent from their headquarters to the DMV field offices to address the automatic extension of TPS. Additionally, CARECEN SF has alerted Congressional members of the ongoing barriers





experienced by TPS holders in an effort to get local offices to better assist their constituents. To stay proactive around TPS, CARECEN SF is building leadership among TPS beneficiaries and mixed status families by involving them in local and state advocacy and bringing their testimonies to policymakers.

COLLECTIVE ACTION MAKES A DIFFERENCE

The efforts from Alianza Americas and its member organizations to connect with State governors and DMV's highlight the power of local advocacy to create a ripple effect that can have concrete, positive impacts on people's lives. While our work to educate local representatives and state offices on TPS has taken on new urgency after the Trump administration's decision to terminate protections, work on TPS is not new for the Alianza Americas Network. Many of our members were involved in the initial advocacy that produced the TPS legislation decades ago. Since 2016, members have worked together on our "Save TPS" and "House-to-House for TPS Permanency" campaigns. Thanks to our members' direct presence in communities, we can quickly and effectively mobilize to protect the rights of TPS-holders and the larger immigrant community.

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