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December 20, 2017

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen,

First, please let me extend my congratulations on your confirmation and swearing in as Secretary of Homeland Security. Please know that you have my support and best wishes as you take on the many responsibilities of safeguarding the security of everyone who lives in the United States.

I am writing to you because of the urgent and imminent decision you will be taking regarding extending Temporary Protected Status (TPS) for approximately 200,000 Salvadorans who have been residing in our country for the past sixteen years. I believe that any objective analysis of the situation on-the-ground in El Salvador must lead you to extend TPS for El Salvador for at least 18 months.

You might not be aware of this, but I worked for Congressman Joe Moakley during the days when the law providing for TPS was first written. I'm proud to say that I had a hand in drafting that provision in the immigration reform bill of its time. So, I am well aware of its purpose, its limitations, and its flexibility. I understand that there is significant motivation to stress the "temporary" nature of TPS, but the law itself provides latitude for the Secretary to give weight to the concerns of the national governments of these foreign citizens regarding their capacity to accept returnees, and to weigh "extraordinary" conditions, such as conflict and violence or subsequent natural disasters that might threaten the security of returnees. As an original author of the law, I can say without reservation that the primary concern of the drafters of TPS was the *protection* of TPS holders, not the *duration* of the status.

I know that the Salvadoran government has both presented arguments in favor of and implored you to extend TPS for El Salvador. This is one of the criteria to be taken into consideration, according to the law. I know that every independent study and analysis of the situation on-the-ground in El Salvador has recommended an extension of TPS for El Salvador. These are based on the incapacity of the country to absorb these returning citizens; the economic dislocation and insecurity such returns might cause within El Salvador, as they economically displace current Salvadoran citizens from scarce employment opportunities, and which might well result in increased illegal migration; a potential strengthening of criminal actors due to the arrival of new targets for violent extortion; and most importantly to me, the utter lack of the Salvadoran government to provide returnees with security in one of the most violent countries of the world. These independent reports and analyses include a recent fact-finding delegation from the U.S. Conference of Catholic Bishops and report by the International Crisis Group.

As you likely know, the **Small Arms Survey** published its annual report on December 7, 2017, regarding global homicide rates and violent insecurity. The five countries with the highest violent death rates in 2016, in rank order, are Syria, El Salvador, Venezuela, Honduras, and Afghanistan – of which only two had armed conflicts last year. As the researchers noted, the increase in these homicide rates "signals growing insecurity in non-conflict areas." The report said in such countries "crime claimed, in

proportion to their populations, as many victims as some high-intensity conflicts.” This is precisely the condition inside El Salvador, and I believe it would be perilous for the lives and well-being of current TPS holders and their families – and for U.S. priorities in stabilizing El Salvador and the Northern Triangle region – to ignore the findings of this report.

I myself traveled to El Salvador this year in January and more recently in December, and I concur with these evaluations, especially in the inability of the government to absorb such a large cohort of returnees or to guarantee their security upon their return. These are not easy matters for a government to admit, especially as it struggles to make progress in providing its current citizens with greater security and economic opportunity, both of which, I believe, would be adversely affected should TPS be terminated (regardless of the “grace period” provided after termination).

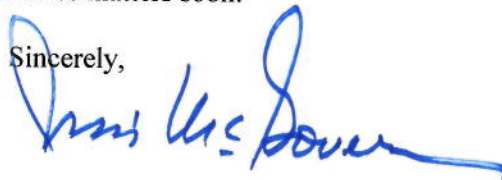
In case you did not receive a copy, I am also attaching a copy of bipartisan letter sent by 116 Members of Congress to Acting Secretary Elaine Duke, asking that she extend TPS for El Salvador and Honduras.

I cannot urge you strongly enough to extend TPS for El Salvador – and certainly not to terminate it with a grace period, no matter how generous that period might be. Certainly TPS is meant to be, and in general has been, provided as a relatively short-term remedy. But there are some countries, sadly, where the internal situation does not improve, or as has been in the case of El Salvador, has even sharply deteriorated over the past few years. These are the cases that require the Administration to recognize them as exceptional, and to apply the provision of the law that allows for “extraordinary conditions.”

Republican and Democratic Secretaries of Homeland Security before you have carefully evaluated these conditions and concluded that TPS should be extended in the case of El Salvador. They did not make these determinations lightly or carelessly. I trust that you will also evaluate the facts on the ground in El Salvador and the specific request by the Salvadoran government to extend TPS, and also conclude that for reasons of an inability to accept returns and the extraordinary conditions of violence and insecurity in El Salvador, TPS should again be extended, not terminated, for El Salvador.

I have a request into the Department of Homeland Security to speak to you personally about my decades-long, first-hand knowledge of El Salvador and this critical up-coming decision regarding TPS. Hundreds of thousands of lives of TPS holders and their family members are in the balance, and I hope we will have an opportunity to talk about these matters soon.

Sincerely,



James P. McGovern
Member of Congress