January 25, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

The undersigned 273 civil rights, labor rights, faith-based, immigrant, human rights, humanitarian, and legal service organizations respectfully request that the Secretary of the U.S. Department of Homeland Security (DHS), in consultation with the Secretary of State, designate El Salvador, Guatemala, and Honduras (an area known as the “Northern Triangle”) for Temporary Protected Status (TPS). These three countries warrant TPS designation in light of the dramatically escalating violence that has precipitated a humanitarian crisis of refugees fleeing the Northern Triangle countries.

I. TPS is Grounded in Well-Established, 25-Year-Old Statutory Authority

Using clear statutory authority under section 244 of the Immigration and Nationality Act (INA),\(^ 1\) the DHS Secretary has currently designated 13 countries for TPS: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, and Yemen.\(^ 2\) Per the statutory requirements of INA section 244(b), these designations are premised on an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions that prevent nationals of these countries from returning safely. Current designations for El Salvador and Honduras are based on environmental disasters in those countries dating back to 2001 and 1998 respectively, and therefore require TPS beneficiaries from those countries to demonstrate presence and residence in the United States since that time. More recent arrivals are ineligible for TPS.

TPS was created by Congress with the passage of the Immigration Act of 1990\(^ 3\) to address gaps in U.S. immigration policy and regularize the process by which our government accommodated those gaps.\(^ 4\) Congress understood that a stay of deportation and employment authorization

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are necessary for nationals who are already in the United States but who cannot be deported safely due to temporary conditions in their home countries.

INA section 244(b)(1)(C) provides that the Secretary may base a TPS designation on a finding that “there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”

Each of the Northern Triangle countries clearly meets this criteria given the devastating recent uptick in violence.

II. **Country Conditions in the Northern Triangle Merit TPS Designations**

In 2015, the death toll in the Northern Triangle of Central America was 17,500, higher than in all but three zones of ongoing armed conflict: Iraq, Afghanistan, and Syria. This death toll was higher than four West African countries struggling with the Boko Haram insurgency and even higher than the death tolls in Somalia, Libya, and South Sudan. Notably, this rapidly escalating violence occurred in a geographic region the size of the state of Oregon and home to just under 30 million people. To put this endemic violence into perspective, Honduras alone had more homicides than the 28 states of the European Union combined in 2014.

The causes of the violence are complex and fueled by lack of government accountability, capture of state institutions by organized crime, impunity and widespread corruption, control of territory by organized criminal groups, brutal militarized law enforcement practices, rampant inequality, and weak democratic governance mechanisms. Unsurprisingly, this violence disproportionately impacts women and children. For the last six years, the Northern Triangle

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9 Id.
countries have ranked within the world’s top four countries for rates of femicide,\textsuperscript{11} while El Salvador and Guatemala have the highest homicide rates in the world among children.\textsuperscript{12} The extreme violence is not limited to these groups, but pervades all corners of society and threatens many who return to these countries.

**El Salvador**
El Salvador, a nation of 6.4 million people, is racked by drug-fueled violence, with entire city neighborhoods controlled by powerful gangs known as maras. El Salvador recently overtook Honduras as the murder capital of the world. Officials recorded 6,657 people murdered in El Salvador in 2015, a 70 percent increase from 2014.\textsuperscript{13} The homicide rate of 104 people per 100,000 people is the highest for any country in nearly 20 years.\textsuperscript{14} El Salvador's murder rate surged in 2015 due to increasing battles between security forces and the country’s two most powerful gangs—the Barrio 18 criminal group and their rivals, the Mara Salvatrucha(MS-13). In August 2015 alone there were 907 murders representing the highest monthly toll since the 1980-1992 civil war.\textsuperscript{15} An estimated 75,000 civilians died in El Salvador’s 12-year civil war, an average of 6,250 per year of the conflict—a figure below the number of homicides in 2015.

**Guatemala**
Guatemalans face epidemic levels of violence and a government that is unable and unwilling to protect them. The criminal insurgency by transnational criminal organizations and gangs against the state reflects a serious and pervasive armed conflict within Guatemala.\textsuperscript{17} Consequently, levels of violence have soared, making Guatemala’s homicide rate the fifth highest in the


\textsuperscript{14} Id.


world. In 2012, Small Arms Survey ranked Guatemala third in the killings of women worldwide, even rivaling the rates of the country’s 36-year civil war.

Moreover, cumulative environmental disasters have plagued Guatemala including earthquakes, volcanoes, hurricanes, tropical storms, floods, drought, and landslides. Guatemala has declared a state of public calamity on various occasions and received limited international humanitarian assistance. In 2005, Hurricane Stan caused the death of more than 1,500 people, impacted 500,000 people, and led to $989 million in damages. In 2010, the Pacaya Volcano erupted, scattering volcanic ash and debris across Guatemala City, bringing economic life in the capital of 1.5 million residents to a standstill. Two days later, Tropical Storm Agatha hit, killing 174, injuring 154, affecting close to 400,000 Guatemalans, and causing nearly $1 billion in damage. Agatha also led to the evacuation of 112,000 and displacement of 20,000 Guatemalans. A recent landslide in October 2015 caused additional devastation and the deaths of hundreds. The cumulative loss of infrastructure, harvests—including thousands of hectares of agricultural land—and homes caused extraordinary loss of life and livelihood, with women, children, and indigenous communities at particular risk.

**Honduras:**

With a homicide rate of 57 per 100,000 people, Honduras suffers 10 times more homicides than the world average and four times the number of homicides than the average country in the Americas. Criminal gangs often target children and young adults for recruitment and to commit crimes. Disturbingly, for young adult males between the ages of 20 and 34, the murder rate in Honduras exceeds 300 per 100,000. Gangs also regularly target girls and

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19 David Carey, M.G. Torres, *Precursors to Femicide: Guatemalan Women in a Vortex of Violence*, Latin American Research Review 45 (3): 142–164 (showing rates of homicide targeting women and girls in Guatemala rival the rates of female casualties during the Guatemalan Civil War and discussing that homicides targeting women often is accompanied by sexual violence).


21 Id.


23 Id.


25 *Guidance Note On Refugee Claims Relating To Victims Of Organized Gangs*, UNHCR, March 2010, available at [http://www.uscirefugees.org/2010Website/5_Resources/5_4_For_Lawyers/5_4_1%20Asylum%20Research/5_4_1_2_Gang_Related_Asylum_Resources/5_4_1_2_4_Reports/UNHCR_Guidance_Note_on_Refugee_Claims.pdf](http://www.uscirefugees.org/2010Website/5_Resources/5_4_For_Lawyers/5_4_1%20Asylum%20Research/5_4_1_2_Gang_Related_Asylum_Resources/5_4_1_2_4_Reports/UNHCR_Guidance_Note_on_Refugee_Claims.pdf).

women for forced recruitment, sexual harassment, and exploitation. After her visit to Honduras in July 2014, the United Nations Special Rapporteur on Violence against Women noted that violent deaths among women had increased by 263 percent between 2005 and 2013 and that Honduras' criminal justice system had a 95 percent rate of impunity for femicide and sexual violence crimes.

There are substantiated reports of Honduran police forming death squads and committing extrajudicial executions in both San Pedro Sula and Tegucigalpa. The militarization of police in Honduras began in 2013 with often-masked Military Police (PMOP) deployed into some of the more violent sectors of the large cities. These police are at the top of the civilian national police structure (FUSINA), a force mistrusted both by those inside and outside the government because of the high rates of corruption and complicity with organized crime. Nonetheless, the PMOP are an extra-constitutional body and have been implicated in a growing list of abuses, made even harder to address because of a lack of civilian accountability and anonymity. Recently, child advocacy organization Casa Alianza documented that in the last two months, the PMOP were involved in at least six extrajudicial executions of children and youth. Abuses attributed to the PMOP and FUSINA include beatings, harassment of civil rights activists, forced disappearances, sexual assaults, and murders of poor or disadvantaged Hondurans. A February 2014 report by El Heraldo, the leading newspaper, found that over 200 national police were implicated in killings for hire, drug theft, and corruption.

III. TPS is a Critical Component of a Package of Humanitarian Protection

We welcome the announced expansion of refugee processing abroad for nationals from the Northern Triangle countries who are fleeing persecution and the ability for them to apply for

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31 Honduran Soldiers Have Killed at Least Six Civilians, GLOBAL POST, Jan. 5, 2016, http://www.globalpost.com/article/6714965/2016/01/05/honduran-soldiers-have-killed-least-6-civilians.
refugee status in a safe, third country in the region.\textsuperscript{34} This development is a sorely needed expansion of the Central American Minor (CAM) In-Country Refugee Processing Program, through which certain children from El Salvador, Guatemala, and Honduras are permitted to apply for refugee status from within their home countries.\textsuperscript{35} It is incumbent on your Administration, however, that refugee processing represent part of a comprehensive package of protection from harm for those fleeing violence in Central America.

Moreover, these programs are an explicit acknowledgement that country conditions in these countries are steadily worsening, the outflows of mothers and children are driven by severe violence, and safety for many is increasingly elusive. The January 2016 withdrawal of U.S. Peace Corps volunteers from El Salvador\textsuperscript{36}—the first time in over 40 years—in addition to the September 2012 withdrawal of volunteers from Honduras,\textsuperscript{37} is further evidence that no one is immune to the region’s escalating violence.

The risk of deportation to the Northern Triangle countries is tangible and profound. According to a comprehensive study conducted by social scientist Elizabeth Kennedy at San Diego State University, between January 2014 and September 2015, at least 83 nationals deported to El Salvador, Honduras, and Guatemala were reported to have been subsequently murdered, with 45 murders in El Salvador, 35 in Honduras, and three in Guatemala.\textsuperscript{38}

Designation of a country for TPS should be premised on whether country conditions meet the statutory requirements set by Congress and must not be impacted by unfounded fears of increased refugees arriving at our nation’s border. TPS eligibility is strictly limited to individuals who are physically present in the United States prior to designation. Moreover, outflows from these countries are primarily driven by push factors of extreme violence and persecution, not domestic immigration policy. There is no historical precedent or evidence of additional foreign nationals attempting to enter the United States as a consequence of a TPS designation. Certainly, your Administration has not shied away from taking bold action to exercise its discretionary authority to establish Deferred Action for Childhood Arrivals despite critics’ unfounded and speculative allegations that such exercise would drive others to migrate here.\textsuperscript{39}


\textsuperscript{38} See Relief Not Raids, supra note 20, at 6.

\textsuperscript{39} Roque Planas, \textit{This Is How We Know DACA Didn’t Cause The Border Crisis}, HUFFINGTON POST, Aug. 1, 2014, http://www.huffingtonpost.com/2014/08/01/daca-border-crisis_n_5639383.html ("Conservatives say the policy,
Moreover, even a federal court has taken a dim view of the argument that the Administration’s policies allowing undocumented immigrants to remain in the country contribute to future migration.40

The asylum system plays a key role in protecting many of those who flee persecution in their home countries. However, despite the high rates of homicide, femicide, and other forms of violence, the overall success rate for Central American asylum seekers in U.S. immigration courts is very low.41 While due process issues and lack of counsel play a role, the standards for securing asylum are very narrow, require very high levels of corroboration, and many of the reasons that Central American asylum seekers need protection, such as fear of persecution due to opposition to gangs, involve a complicated and evolving area of asylum law.

Given the urgent nature of this request and the risk placed on the lives of those who are deported, we request your timely consideration and prompt reply. If you need additional information or have questions related to this request, please contact Royce Murray, National Immigrant Justice Center, at rmurray@heartlandalliance.org or 312-718-5021.

Sincerely,

Access Living/Cambiando Vidas
Advocacy for Justice and Peace Committee of the Sisters of St. Francis of Philadelphia
African American Ministers In Action
African Services Committee
Alianza Americas
America's Voice Education Fund

which newly arrived undocumented immigrants don’t qualify for, has acted as a magnet, pulling young migrants from the violence-plagued and poverty-stricken countries of El Salvador, Honduras and Guatemala. But there’s virtually no evidence to support this increasingly popular conservative talking point.”).

40 Arpaio v. Obama, 797 F.3d 11, 21 (D.C. Cir. 2015) (“Arpaio’s claim that DACA caused the increase in Central American border crossings in 2014, Pillard wrote, “suffers from the logical fallacy post hoc ergo propter hoc (after this, therefore because of this). Just as we do not infer that the rooster’s crow triggers the sunrise, we cannot infer based on chronology alone that DACA triggered the migrations that occurred two years later.”.

41 During the fourth quarter of FY 2015, U.S. Citizenship and Immigration Services (USCIS) granted 45-46% of the affirmative asylum cases they adjudicated across all nationalities. USCIS does not provide grant rates by nationality publicly. See Asylum Division Quarterly Stakeholder Meeting, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, (Dec. 18, 2015), https://www.uscis.gov/outreach/asylum-division-quarterly-stakeholder-meeting-1. In FY 2014 (the most recent data available), the Executive Office for Immigration Review (EOIR) granted asylum to 11.8% of the respondents from El Salvador who cases were granted or denied that year; 12.8% of the respondents from Guatemala who cases were granted or denied that year; and 14.9% of the respondents from Honduras who cases were granted or denied that year. This does not include those cases that were abandoned, withdrawn, or categorized as “other” completion by EOIR for FY 2014. Executive Office for Immigration Review, U.S. Department of Justice, Asylum Statistics FY 2010-2014, (March 2015), available at http://www.justice.gov/sites/default/files/EOIR/pages/attachments/2015/03/16/fy2010-fy2014-asylum-statistics-by-nationality.pdf.
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Friends Service Committee (AFSC)
American Gateways
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee (ADC)
Americans for Immigrant Justice
Arkansas United Community Coalition
Asamblea de Derechos Civiles de Minnesota
ASI, Inc. - Asociacion de Servicios Para el Inmigrante
Asian Americans Advancing Justice-AAJC
Asian Americans Advancing Justice-Los Angeles
Asian Pacific American Labor Alliance (APALA)
Asian Pacific Institute on Gender-Based Violence
Asian Pacific Islander Legal Outreach
ASISTA Immigration Assistance
Association of Latino/as Motivating Action (ALMA)
Atlas:DIY
Bay Area Latin America Solidarity Coalition
Berkshire Immigrant Center
Bernardo Kohler Center
Bethany Christian Services
Brooklyn Defender Services
California Immigrant Youth Justice Alliance (CIYJA)
Capital Area Immigrants' Rights (CAIR) Coalition
CARECENSF
CASA
Casa de Esperanza
Casa Latina
Catholic Charities of Baltimore
Catholic Legal Immigration Network, Inc. (CLINIC)
Catholic Migration Services
Center for Community Change
Center for Constitutional Rights
Center for Employment Training
Center for Gender & Refugee Studies
Center for Human Rights & Constitutional Law
Central American Legal Assistance
Central American Resource Center-Los Angeles
Centro Romero
Chicago Law and Education Foundation
Church of the Brethren
Church World Service
CISPES Bay Area
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Coloradans For Immigrant Rights, a project of the AFSC Colorado
Colorado Immigrant Rights Coalition
Colorado People's Alliance
Columban Center for Advocacy and Outreach
Community Legal Services and Counseling Center
Conference of Major Superiors of Men
Congress of Day Laborers, NOWCRJ
Conversations With Friends (MN)
Council on American-Islamic Relations
DC-MD Justice for Our Neighbors
Detention Watch Network
Dolores Street Community Services
Dream Team LA
Educators for Fair Consideration
Enlace
Ethiopian Community Development Council, Inc.
Evangelical Lutheran Church in America
Fair Immigration Reform Movement (FIRM)
Farmworker Association of Florida
Farmworker Justice
Fe y Justicia Worker Center
Filipino Advocates for Justice
First Focus
Florida Council of Churches
Florida Immigrant Coalition (FLIC)
Forks Human Rights Group
Franciscan Action Network
Franciscans for Justice
Freedom Network USA
Friends Committee on National Legislation
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Futures Without Violence
Gamaliel
Georgia Detention Watch
Grassroots Leadership
Greater Reading Immigration Project (GRIP)
Guatemala Human Rights Commission/USA
Heartland Alliance
HIAS
HIAS Pennsylvania
Holy Spirit Missionary Sisters - USA, JPIC
Hondurans Against AIDS
Hope CommUnity Center
Human Rights First
Human Rights Initiative of North Texas
Human Rights Observation/Honduras
Idaho Community Action Network
IDEAS at UCLA
Ignatian Solidarity Network
Illinois Coalition for Immigrant and Refugee Rights
Immigrant & Civil Rights Initiative, United Methodist Women
Immigrant Defense Project
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Center for Women and Children
Immigration Counseling Service (ICS)
Immigration Equality
Immigration Justice Clinic of John Jay Legal Services, Inc. at Pace University School of Law
Immigration Resource Center of San Gabriel Valley
International Institute of Buffalo
International Institute of Connecticut, Inc.
International Institute of New England
International Institute of the Bay Area
International Organization for Adolescents
International Services Center of Cleveland
Invisible to Invincible: Asian Pacific Islander Pride of Chicago (i2i)
Irish International Immigrant Center
Jesuit Conference, National Advocacy Office
Jesuit Refugee Service/USA
Jewish Family & Community Services East Bay
Just Foreign Policy
Justice for Our Neighbors Southeastern Michigan
Justice for Our Neighbors West Michigan
Kentucky Coalition for Immigrant and Refugee Rights
Kids in Need of Defense
Kino Border Initiative
Kitsap Immigrant Assistance Center
Korean American Resource and Cultural Center
Korean Resource Center
La Union del Pueblo Entero
LaCasa, Inc.
Las Americas Immigrant Advocacy Center
Latin America Solidarity Committee
Latin America Working Group (LAWG)
Latino Commission on AIDS
Latino Policy Forum
Leadership Conference of Women Religious
League of United Latin American Citizens
Logan Square Neighborhood Association
Long Island Wins
Lowcountry Immigration Coalition
Lutheran Immigration and Refugee Service
Maryknoll Office for Global Concerns
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Mennonite Central Committee U.S. Washington Office
MetroWest Peace Action
Mexican American Legal Defense & Educational Fund (MALDEF)
Mi Familia Vota
Michigan United
Midwest Jesuits Office for Social and International Ministries
Mijente
Mil Mujeres
Mississippi Immigrant Rights Alliance
Missouri Immigrant and Refugee Advocates
Monseñor Romero Foundation
Mundo Maya Foundation
My Sisters' Place
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Compadres Network
National Council of Jewish Women
National Council of La Raza
National Employment Law Project
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project/National Lawyers Guild
National Justice for Our Neighbors
National Korean American Service and Education Consortium
National Latin@ Network: Casa de Esperanza
National Latina Institute for Reproductive Health
National LGBTQ Task Force
National Network for Immigrant and Refugee Rights
National Veterans for Peace
NETWORK, A National Catholic Social Justice Lobby
New Mexico Immigrant Law Center
New York Justice For Our Neighbors
Nicaragua Center for Community Action (NICCA)
Northern Illinois Justice for Our Neighbors
Northwest Immigrant Rights Project
OneAmerica
Oregon Interfaith Movement for Immigrant Justice
Oxfam America
P.A.S.O. - West Suburban Action Project
Pangea Legal Services
Pax Christi New Jersey
Pennsylvania Immigration Resource Center
PFLAG National
PICO National Network
Polaris Project
Portland Central America Solidarity committee
Presbyterian Church (U.S.A.)
Project IRENE
Proyecto Azteca
Public Counsel
Puentes: Advocacy, Counseling & Education
Red Mexicana De Lideres y Organizaciones Migrantes
Reform Immigration FOR America
Reform Immigration for Texas Alliance
Reformed Church of Highland Park
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugees International
Rocky Mountain Immigrant Advocacy Network
Safe Passage Project Corporation
Salvadoran American Leadership & Educational Fund (SALEF)
Salvadoran American National Network
Salvadoreños Unidos de Oregon
San Diego Immigrant Rights Consortium
Scalabrini International Migration Network - SIMN
School of the Americas Watch - San Francisco
SEIU 32BJ
Service Employees International Union (SEIU)
Services, Immigrant Rights, and Education Network (SIREN)
SHARE FOUNDATION
Sin Fronteras, Inc.
Sin Huellas Arts Collective
Sisters and Brothers of Immigrants
Sisters of Mercy of the Americas, Institute Justice Team
Sisters of Saint Francis Justice, Peace and Integrity of Creation Commission
Sisters of St. Francis of the Neumann Communities
Skagit Immigrant Rights Council
South Carolina Appleseed Legal Justice Center
South Florida Interfaith Worker Justice
South Texas Human Rights Center
Southeast Asia Resource Action Center (SEARAC)
Southeast Immigrant Rights Network
Southern Poverty Law Center
Southwest Key Programs
Southwest Organizing Project
SustainUS
Tahirih Justice Center
Task Force on the Americas
Texas Organizing Project
The Advocates for Human Rights
The Central American Resource Center (CARECEN), DC
The Guatemalan-Maya Center
The Immigrant Youth Coalition
The Office of Social Justice of the Christian Reformed Church in North America
The United Methodist Church - General Board of Church and Society
Transgender Law Center
U.S. Committee for Refugees and Immigrants
UC Davis School of Law Immigration Law Clinic
UFW Foundation
Unidos a Progresar Community Project
Unitarian Universalist Service Committee
United African Organization
United Church of Christ, Justice and Witness Ministries
United Families
United Services for Counseling
United We Dream
University of San Francisco Immigration and Deportation Defense Clinic
UnLocal, Inc.
VIDA Legal Assistance, Inc.
Virginia Coalition for Immigrant Rights
Voces de la Frontera
Voz Hispana Cambio Comunitario Oregon
W. Haywood Burns Institute
Washington Office on Latin America
Washington State Coalition Against Domestic Violence
We Belong Together
WILPF Portland (Oregon)
Witness for Peace
Women's Refugee Commission
Worker Justice Center of New York, Inc.
Workers Defense Project
World Relief DuPage/Aurora
YAYA-NFWM (Youth and Young Adult network of the National Farm Worker Ministry)
Young Center for Immigrant Children's Rights
Cc: Mr. Jeh Johnson, Secretary of Homeland Security
    Mr. John Kerry, Secretary of State
    Ms. Susan Rice, National Security Advisor
    Ms. Cecilia Muñoz, Domestic Policy Advisor