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Temporary Protected Status

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On November 6, 2017, Acting Secretary of Homeland Security Elaine Duke announced the Department's decision to terminate the Temporary Protected Status (TPS) designation for Nicaragua, with a delayed effective date of 12 months. TPS for Nicaraguans will terminate on January 5, 2019. The Acting Secretary also announced that additional information is necessary regarding the TPS designation for Honduras. For the time being, TPS designation for Honduras will be extended for six months from the current January 5, 2018 date of expiration to the new expiration date of July 5, 2018.

TPS is a temporary immigration status given to nationals from certain countries. In 1990, Congress established the TPS program, which grants the Attorney General the authority to grant TPS to individual due to:

- ongoing armed conflict within the state and, due to such conflict, posing a serious threat to their personal safety;
- an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected;
- the foreign state is unable, temporarily, to handle adequately the return to the state of individuals who are nationals of the state; or
- there exist extraordinary and temporary conditions in the foreign state that prevent returning to the state safely.

The countries currently designated for TPS are El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria and Yemen. Nationals from these countries may apply for TPS. An individual granted TPS may enjoy the following benefits:

- are not removable from the United States during their period of TPS;
- can obtain employment authorization so they can work legally; and
- in certain circumstances, they may be granted travel authorization.

A grant of TPS does not provide a path to lawful permanent residence in the United States. TPS is temporary and can be terminated at the direction of the Department of Homeland Security when

they decide that the conditions in the country that temporarily prevent the country's nationals from returning safely have changed to allow return of the nationals.

Nicaragua was originally granted TPS designation on January 5, 1999 after Hurricane Mitch. The memorandum issued by Acting Secretary of Homeland Security Elaine Duke rescinding TPS designation for Nicaragua stated that those “substantial but temporary conditions caused in Nicaragua by Hurricane Mitch no longer exist, and thus, under the applicable statute, the current TPS designation must be terminated.” The same memorandum also stated that the Department of Homeland Security needs more time to determine whether to end the TPS designation for Honduras as well.

Individuals from Nicaragua and Honduras with TPS should consider whether they have other ways to obtain lawful status such as through a family member, employer, U visa or Violence Against Women Act. It is uncertain at this time whether Congress will enact any legislation to provide permanent protection for those individuals who have spent more than 2 decades living in the United States with TPS designation.

This latest memo from the Department of Homeland, rescinding TPS, is consistent with the current administration’s immigration policy which continues to rescind protection (DACA, refugees, asylees, unaccompanied minors) for some of the most vulnerable populations living in the United States.

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