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## Thousands of Immigrants Face Deportation

Jon Santiago

On January 8, 2018, the Trump administration announced that Temporary Protected Status (“TPS”) for El Salvador would end on September 9, 2019.<sup>1</sup> Nearly 200,000 immigrants must decide whether to return to El Salvador or risk deportation.<sup>2</sup> Furthermore, in November 2017, the Trump administration ended TPS for nearly 59,000 Haitians who live and work in the United States.<sup>3</sup> Around 320,000 people benefit from the TPS program, which was signed into law by President George Bush in 1990.<sup>4</sup>

There is currently one lawsuit that has been filed by the National Association for the Advancement of Colored People (“NAACP”) and the NAACP Legal Defense Fund against the U.S. Department of Homeland Security over its decision to rescind TPS for Haitian immigrants.<sup>5</sup> The lawsuit references President Trump’s recent disparaging comments in which he criticizes Haiti, El Salvador and some African countries.<sup>6</sup> The lawsuit was filed in the U.S. District Court for the District of Maryland, and seeks to reinstate the protective status for Haitians.<sup>7</sup>

### BACKGROUND

Temporary Protected Status is offered to legal U.S. residents and undocumented immigrants when war, natural disaster, or other exceptional conditions temporarily make return to their native country unsafe.<sup>8</sup> Recipients of TPS do not receive green cards, and they are not regarded as eligible for citizenship or

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<sup>1</sup> Maya Rhodan, *200,000 Salvadorans Have Lived in the U.S. for Decades. The Trump Administration Says They Have to Leave*, TIME (Jan. 8, 2018), <http://time.com/5092645/salvador-temporary-protected-status-donald-trump/>.

<sup>2</sup> John Bacon, *What is temporary protected status: Nearly 200,000 Salvadorans may be forced to leave U.S.*, USA TODAY (Jan. 8, 2018), <https://www.usatoday.com/story/news/nation-now/2018/01/12/what-temporary-protected-status-nearly-200-000-salvadorans-may-forced-leave-u-s/1027487001/>.

<sup>3</sup> Miriam Jordan, *Trump Administration Ends Temporary Protection for Haitians*, N.Y. TIMES (Nov. 20, 2017), <https://www.nytimes.com/2017/11/20/us/haitians-temporary-status.html>.

<sup>4</sup> *Id.*

<sup>5</sup> Ayanna Alexander, *DHS sued over ‘racially motivated’ decision to rescind protected status for Haitians*, POLITICO (Jan. 25, 2018), <https://www.politico.com/story/2018/01/25/haitians-temporary-protected-status-naacp-367535>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Bacon, *supra* note 2.

legal permanent residence based on their TPS status.<sup>9</sup> The government periodically reviews each group's status and decides whether to continue the protections.<sup>10</sup>

Under the Trump administration, the Department of Homeland Security has announced the end of TPS for immigrants from El Salvador, Haiti, Sudan and Nicaragua.<sup>11</sup> This year, the agency will decide whether to extend TPS for five other nations: Syria, Nepal, Honduras, Yemen and Somalia.<sup>12</sup>

Salvadorans are the largest group of recipients of TPS in the United States.<sup>13</sup> More than half of those immigrants have lived in the United States for more than 20 years, and they are estimated to be the parents of more than 190,000 U.S.-born children.<sup>14</sup> Haitians are the second-largest group of immigrants with temporary status.<sup>15</sup> The Obama administration renewed temporary status for Haitians several times after determining that conditions in Haiti remained hazardous.<sup>16</sup> However, the Trump administration has said that the program, which was originally intended to provide only temporary relief, has turned into a permanent benefit for thousands of people.<sup>17</sup>

#### RESPONSE TO THE END OF TPS

Gerald Michaud, a 45-year-old Haitian living in Brooklyn, was in shock when he heard the news that temporary protected status would be over.<sup>18</sup> Michaud stated, "The situation is not good in my country. I don't know where I am able to go."<sup>19</sup> Bill Nelson, a Democratic Senator from Florida, has urged the Trump administration to continue the temporary status.<sup>20</sup> Nelson wrote on Twitter, "There is no reason to send 60,000 Haitians back to a country that

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<sup>9</sup> Rhodan, *supra* note 1.

<sup>10</sup> Jordan, *supra* note 3.

<sup>11</sup> Madison Park, *Trump administration ended protected status for 250,000 Salvadorans. These immigrants might be next*, CNN (Jan. 10, 2018), <https://www.cnn.com/2018/01/09/politics/temporary-protected-status-countries/index.html>.

<sup>12</sup> *Id.*

<sup>13</sup> Rhodan, *supra* note 1.

<sup>14</sup> *Id.*

<sup>15</sup> Jordan, *supra* note 3.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

cannot provide for them, I am strongly urging the administration to reconsider.”<sup>21</sup>

Republican Congresswoman Ileana Ros-Lehtinen also took to Twitter and wrote that she has recently been to Haiti and that she could “personally attest that Haiti is not prepared to take back nearly 60,000 TPS recipients under these difficult and harsh conditions.”<sup>22</sup> The Department of Homeland Security has cited “high levels of fraud and abuse” by Haitians and their “high rate of overstaying the terms” of their visas in its decision to end the status.<sup>23</sup>

Regarding the end of TPS for Salvadoran immigrants, Amanda Baran of the Immigrant Legal Resource Center stated, “To disregard the contributions that El Salvadorans have made in communities across this country by stamping an expiration date on their lives here is inhumane.”<sup>24</sup> She went on to say, “El Salvador is one of the world’s most dangerous countries and will be unable to absorb the return of these thousands of people whose lives are inextricably intertwined with those of ours here in the United States.”<sup>25</sup> Showing his support for the end of the status, Roy Beck, the executive director of NumberUSA said, “The past practice of allowing foreign nationals to remain in the United States long after an initial emergency in their home countries has ended has undermined the integrity of the program and essentially made the ‘temporary’ protected status a front operation for backdoor permanent immigration.”<sup>26</sup>

Ivan Medina, a professor at Loyola University Chicago School of Social Work, explained that the end of TPS would be a disaster for all of the families currently under the program’s protection.<sup>27</sup> Professor Medina went on to say that, “families that return to El Salvador will go back to an extremely danger-

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Mark Moore, *Trump to ban Haitian immigrants after alleged ‘shithole’ slur*, NEW YORK POST (Jan. 18, 2018), <https://nypost.com/2018/01/18/trump-to-ban-haitian-immigrants-after-alleged-shithole-slur/>.

<sup>24</sup> Alan Gomez, *Trump orders 200,000 Salvadorans to leave U.S.*, USA TODAY (Jan. 8, 2018), <https://www.usatoday.com/story/news/world/2018/01/08/reports-trump-order-200-000-salvadorans-leave-u-s/1012345001/>.

<sup>25</sup> *Id.*

<sup>26</sup> Gomez, *supra* note 24.

<sup>27</sup> Telephone Interview with Ivan Medina, Clinical Instructor at Arrupe College, (Mar. 31, 2018).

ous country where gangs are still very active.”<sup>28</sup> The fact that these families fled and are now returning will count against them in their native countries.<sup>29</sup>

Due to the end of TPS, thousands of Haitians and Salvadorians and their children will be separated. TPS should stay in effect not only for the benefit of the economy and the protection of these immigrants from the perils of their home countries, but also to keep families together. The Trump administration should take into account the thousands of U.S. born children that these immigrants have had. Separating these children from their families would be horrible, and it would portray the United States as a place that separates families only because their parents are immigrants who the government thinks no longer belong there.

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*